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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
Fourteenth session
16 January-3 February 1995
Item 7 of the provisional agenda*

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

INTERNATIONAL LABOUR ORGANIZATION

Introductory note

On behalf of the Committee, the Secretariat invited the International Labour Organization on 13 June 1994, to submit to the Committee by 1 September 1994, a report on information provided by States to ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of those States parties to the Convention which will be considered at the fourteenth session. These are the latest reports of Argentina, Bolivia, Chile, Finland, Mauritius, Norway, Peru, Russian Federation, Saint Vincent and the Grenadines, Tunisia and Uganda.

* CEDAW/C/1995/1.

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Other information sought by the Committee refers to the activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women.

The report annexed hereto has been submitted in compliance with the Committee's request. It is submitted in the languages it was received.

Annex

REPORT SUBMITTED BY THE INTERNATIONAL LABOUR ORGANIZATION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS FOURTEENTH SESSION*

[Original: English/French/Spanish]

REPORT OF THE INTERNATIONAL LABOUR OFFICE, UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(14th Session of CEDAW - 1995)

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* This report has been reproduced in the form in which it was received.

Introductory Note

In response to the desire of the Committee on the Elimination of Discrimination against Women (CEDAW) expressed at its Sixth and Seventh Sessions, the report of the International Labour Office for the Committee's 14th Session includes information relevant to the application of those articles of the Convention which also fall within the ILO's mandate by the States Parties whose reports are listed on the agenda of the 14th Session.

This report contains information on the following countries: Argentina, Bolivia, Chile, Finland, Mauritius, Norway, Peru, Russian Federation, Tunisia and Uganda. As St. Vincent and the Grenadines is not a member State of the ILO, it is not possible to provide and pertinent information. Information is not provided about Mauritius as it has not yet ratified any of the relevant ILO Conventions concerning women.

As concerns the application by States Parties of the relevant Articles of the Convention, the report indicates, for each country, the relevant ILO Conventions which it has ratified. The report also summarizes the main thrust of the current comments of the Committee of Experts on the application of Conventions and Recommendations and provides the full texts of those observations and direct requests.

A number of Governing Body papers, which provide information concerning the ILO's activities, programmes and policy decisions relevant to the implementation of the Convention, are also attached.

ILO Conventions relevant to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women

The following is a list of the principal ILO Conventions relevant to article 11 (and related articles) of the Convention. Indications relating to the ratification of these Conventions by each State concerned are provided in the present report.

Equality of opportunity and treatment

- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Workers with Family Responsibilities Convention, 1981 (No. 156)

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1964 (No.122)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)

Night Work

- Night Work (Women) Convention, 1919 (No. 4)
- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol, 1990]
- Night Work Convention (No. 171), 1990

Underground Work

- Underground Work (Women) Convention, 1935 (No. 45)

Indigenous and Tribal Peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

ARGENTINA

Relevant ILO Conventions ratified by Argentina:[1]

Argentina has ratified the following Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1933);
- Night Work (Women) Convention, 1919 (No. 4) (ratified in 1933);
- Night Work (Women) Convention, (Revised), 1934 (No. 41) (ratified in 1950);
- Underground Work, (Women) Convention, 1935 (No. 45) (ratified in 1950);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1956);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1968);
- Human Resources Development Convention, 1969 (No. 142) (ratified in 1978);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1981).

Information available to the ILO

1. Equality of remuneration

The 1994 observation and direct request of the Committee of Experts on the application of Convention No. 100 indicate some progress with the implementation of pay equity, specifically with the introduction of gender-neutral provisions in a significant number of collective agreements.

2. Equality in employment

Since publication of its second periodic report on the CEDAW in December 1986, Argentina has ratified the Workers with Family Responsibilities Convention, 1981 (No. 156). The 1994 direct request of the Committee of Experts observed that Convention No. 156 had

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[1] Argentina has not ratified the following relevant ILO Conventions: Nos. 89, 103, 122, 169, 171

as its objective the promotion of equality of opportunity and treatment for workers with family responsibilities within the framework of measures to promote gender equality generally: the Convention did not aim at promoting the adoption of a general "family policy". In making this clarification, the Committee expressed the hope that the Government would take active measures to ensure and promote equality of opportunity and treatment for all workers with family responsibilities.

ARGENTINA

Convention		Ratification registered
C.1	HOURS OF WORK (INDUSTRY) CONVENTION, 1919	30.11.33
C.2	UNEMPLOYMENT CONVENTION, 1919	30.11.33
C.3	MATERNITY PROTECTION CONVENTION, 1919	30.11.33
C.4	NIGHT WORK (WOMEN) CONVENTION, 1919 [1]	30.11.33
C.5	MINIMUM AGE (INDUSTRY) CONVENTION, 1919	30.11.33
C.6	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919	30.11.33
C.7	MINIMUM AGE (SEA) CONVENTION, 1920	30.11.33
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	30.11.33
C.9	PLACING OF SEAMEN CONVENTION, 1920	30.11.33
C.10	MINIMUM AGE (AGRICULTURE) CONVENTION, 1921	26.05.36
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	26.05.36
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	26.05.36
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	26.05.36
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	26.05.36
C.15	MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921	26.05.36
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	26.05.36
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	14.03.50
C.18	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925	24.09.56
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	14.03.50
C.20	NIGHT WORK (BAKERIES) CONVENTION, 1925 [2]	17.02.55
C.21	INSPECTION OF EMIGRANTS CONVENTION, 1926	14.03.50
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	14.03.50
C.23	REPATRIATION OF SEAMEN CONVENTION, 1926	14.03.50
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	14.03.50
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	14.03.50
C.29	FORCED LABOUR CONVENTION, 1930	14.03.50
C.30	HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930	14.03.50
C.31	HOURS OF WORK (COAL MINES) CONVENTION, 1931	24.09.56
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932	14.03.50
C.33	MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932	14.03.50
C.34	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933	14.03.50
C.35	OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	17.02.55
C.36	OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933	17.02.55
C.41	NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934	14.03.50
C.42	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934	14.03.50
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	14.03.50
C.50	RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936	14.03.50
C.52	HOLIDAYS WITH PAY CONVENTION, 1936	14.03.50
C.53	OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936	17.02.55
C.58	MINIMUM AGE (SEA) CONVENTION (REVISED), 1936	17.02.55
C.68	FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946	24.09.56

[1] Has denounced this Convention.

[2] Has denounced this Convention.

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ARGENTINA

Convention		Ratification registered
C.71	SEAFARERS' PENSIONS CONVENTION, 1946	17.02.55
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	17.02.55
C.77	MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946	17.02.55
C.78	MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	17.02.55
C.79	NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	17.02.55
C.80	FINAL ARTICLES REVISION CONVENTION, 1946	14.03.50
C.81	LABOUR INSPECTION CONVENTION, 1947	17.02.55
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	18.01.60
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	24.09.56
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	24.09.56
C.95	PROTECTION OF WAGES CONVENTION, 1949	24.09.56
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	24.09.56
C.100	EQUAL REMUNERATION CONVENTION, 1951	24.09.56
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	18.01.60
C.107	INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957	18.01.60
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	18.06.68
C.115	RADIATION PROTECTION CONVENTION, 1960	15.06.78
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	20.06.85
C.129	LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969	20.06.85
C.139	OCCUPATIONAL CANCER CONVENTION, 1974	15.06.78
C.142	HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	15.06.78
C.144	TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976	13.04.87
C.151	LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978	21.01.87
C.154	COLLECTIVE BARGAINING CONVENTION, 1981	29.01.92
C.156	WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981	17.03.88
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	13.04.87

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Argentina (ratification: 1956)

The Committee notes with interest the Government's report, the collective agreement of the tobacco industry, No. 175/91 from which all separate mention of the work of women has been removed, and the collective agreements applying in sectors of the economy where there is usually a predominance of women, such as: health, teaching, textiles and the textile and footwear industries, whose provisions apply to both sexes.

The Committee is raising other points concerning the application of the Convention in a direct request addressed to the Government.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Argentina (ratification: 1956)

The Committee notes that the Government's report contains no reply to its comments. It hopes that the next report will include full information on the matters raised in its previous direct request, which read as follows:

1. The Committee thanks the Government for transmitting the full texts of the rulings of the Supreme Court concerning the application of the principle of equal remuneration for work of equal value and requests the Government to continue to transmit the texts of rulings as well as information on the activities of the labour inspection services in relation to the application of the Convention (violations reported, penalties imposed, etc.).

2. With regard to the financing of the spouse's allowance provided for in section 7 of Legislative Decree No. 18017/68 (which establishes the allowances for employees in commerce, industry and dock work), the Committee notes the Government's statement that the Committee's comments were transmitted to the Secretariat of State for Social Security and that this body took account of the explanations in the 1986 General Survey; it nevertheless found that they are not related to the worker's employment situation and continue to be paid to retired workers once the employment relationship has come to an end. The Committee asks the Government to inform it in its next report of any developments in the approach of the Secretariat of State for Social Security.

The Committee once again trusts that the Government will take the appropriate steps to give full effect to the Convention in the near future and that it will supply information on the progress achieved in this respect.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

Argentina (ratification: 1988)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

Article 1 of the Convention. The Committee would be grateful if the Government would provide information on how the terms "dependent children" or "other members of their immediate family who clearly need care or support" are defined for purposes of applying the provisions of the Convention, as distinct from the existing definitions utilized for example, for taxation purposes.

Article 2. The Committee requests the Government to provide information on how the Convention is applied to all branches of economic activity and all categories of workers.

Article 3. The Committee notes that in its report the Government refers to article 14bis of the Constitution, which provides for the protection of the worker and his/her family, and to legislative provisions aimed at guaranteeing women protection and benefits in relation to pregnancy and maternity. Referring to paragraphs 22 to 31 of its 1993 General Survey, the Committee observes that the aim of the Convention is not to pursue a general "family policy" or to protect maternity, but rather to create equality of opportunity and treatment in employment for workers with family responsibilities within the wider framework of measures to promote equality between the sexes. The Committee requests the Government to provide information on the measures taken or contemplated to adopt a national policy, beyond the constitutional protection of the family and the protection of maternity to enable workers with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities, in accordance with Article 3 of the Convention. In this connection, it refers to Chapter II of its 1993 General Survey in which it clarifies the requirements of the Convention in regard to national policies and gives examples of such policies.

Article 4, paragraph (a). The Committee requests the Government to provide detailed information on specific measures taken or contemplated to enable workers with family responsibilities to exercise their right to free choice of employment.

Paragraph (b). 1. The Committee notes that male and female public servants are entitled to different terms and conditions of employment as regards leave (available to a male civil servant upon the death of his wife under section 10(i) of Decree No. 3413 of 28 December 1979, available to working mothers under section 183 of the Employment Contracts Act, and to female civil servants to care for an adopted child under section 10(h) of Decree No. 3413). It accordingly asks the

Government to take measures to amend the legislation so that men and women workers with family responsibilities are entitled to leave on an equal basis. It also asks the Government to indicate whether section 7 of the Consolidated Text of Decree No. 18017 of 24 December 1984 (which provides a spouse allowance for a man worker even if his wife is employed, but only grants such an allowance to a woman worker if her lawful dependent husband is unable to work), has been or will be amended to accord the same standards of eligibility for the spouse allowance for both men and women workers.

2. The Committee also requests the Government to supply information on measures which have been taken or are contemplated (in addition to unpaid post-natal leave available to working mothers and the special leave for civil servants to care for dependent children or other family members), to enable working parents in both the private and public sectors to better integrate their work and family responsibilities, such as flexible work schedules, job sharing and entitlements to leave specifically labelled "family" or "parental" leave.

Article 5. The Committee requests the Government to provide information on the measures taken or contemplated to establish or develop at the community level, public or private child-care and family services and facilities to assist workers in reconciling their work and family responsibilities.

Article 6. The Committee requests the Government to provide in its next report information on any public information and education activities that have been undertaken to foster a broad understanding of the principle of equality and treatment for men and women workers and of the problems encountered by workers with family responsibilities, as well as an environment conducive to implementing solutions to such problems.

Article 7. The Committee requests the Government to supply information on whether and how the Ministry of Labour and Social Security has taken or will take into account the principle of equality and treatment for men and women workers and the needs of workers with family responsibilities with respect to its mandate to promote employment and training of unemployed workers set forth in sections 128-130 of National Employment Act No. 24013 of 5 December 1991. The Committee also requests the Government to provide information on whether any services exist for workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities. In this regard, it requests the Government to supply detailed information on any provisions establishing vocational training facilities, paid educational leave, vocational guidance, counselling or information and placement services for both men and women workers who have left the workplace temporarily to take care of family responsibilities.

Article 8. The Committee requests the Government to supply information on any measures, including any relevant judicial decisions, that specifically protect workers in both the private and public sectors against dismissal, suspension or other disciplinary action for having taken care of family responsibilities.

Article 9. The Committee requests the Government to provide copies of any collective agreements, as well as court decisions, so that it can assess the practical application of the provisions of the Convention.

Article 11. The Committee requests the Government to indicate in its next report the manner in which employers' and workers' organizations participate in the administration and application process of implementing the provisions of the Convention.

Part III of the report form. The Committee requests the Government to provide information on the supervisory authorities and enforcement mechanisms, particularly the Labour Inspection Service's activities, with respect to the application of the Convention.

Part V of the report form. The Committee would be grateful if the Government would supply in future reports any general observations regarding the application of the Convention, including for example reports, studies and inquiries, as well as any available statistics on the number and breakdown of sex of workers with family responsibilities who are employed or are seeking work.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of the CEDAW - 1995)

BOLIVIA

Relevant ILO Conventions ratified by Bolivia:[1]

Bolivia has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention 1935 (No. 45) (ratified in 1973);
- Night Work (Women) Convention (revised 1948) (No. 89) (ratified in 1973);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1973);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1977);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1977);
- Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratified in 1991);

Information available to the ILO

1. Equal Remuneration

No substantial changes have been reported by the Government since the initial report on the CEDAW was submitted in 1991. In 1994, the Committee of Experts stressed, in a direct request under Convention No. 100, the importance of incorporating the principle of "equal pay for work of equal value" into the General Labour Act, which now appears to be in the final stages of approval, following some years of delay. There is also optimism that the collection and processing of statistical data will be improved in the country, thus enabling a better appreciation of the situation of women. Other requests for information concern the measures taken to evaluate jobs in the public sector and the methods and criteria for fixing wages above the legal minimum.

2. Equality in Employment

Apart from identifying the need for information on the legal measures taken to

[1]Bolivia has not ratified the following relevant ILO Conventions: Nos. 3, 4, 142, 156, 171

prohibit discrimination in the public sector, the 1994 observation formulated under Convention No. 122 indicates the Government's concern over the fact that a considerable part of the population has not enjoyed the benefits of the progress now being made in economic growth. According to the Government, marginal categories of the population in rural and urban areas are experiencing conditions of extreme poverty and call for urgent attention. The report does not make any assessment on the basis of gender in regard to this matter, though the Committee of Experts once again emphasizes the need for the Government to provide detailed information on the situation of the most vulnerable categories of the population, among whom are women.

3. Employment Policy

Apart from the consideration outlined in the paragraph above, the 1994 observation on Convention No. 122 concentrates on the need for effective tripartite consultation in formulating and implementing employment policy. Emphasis is also placed on the importance of maintaining and improving the progress made in the area of vocational education and training.

BOLIVIA

Convention		Ratification registered
C.1	HOURS OF WORK (INDUSTRY) CONVENTION, 1919	15.11.73
C.5	MINIMUM AGE (INDUSTRY) CONVENTION, 1919	19.07.54
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	19.07.54
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION 1925	15.11.73
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	19.07.54
C.20	NIGHT WORK (BAKERIES) CONVENTION, 1925	15.11.73
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	19.07.54
C.30	HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930	15.11.73
C.42	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934 [1]	19.07.54
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	15.11.73
C.77	MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946	15.11.73
C.78	MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	15.11.73
C.81	LABOUR INSPECTION CONVENTION, 1947	15.11.73
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	04.01.65
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	31.01.77
C.89	NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948	15.11.73
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	15.11.73
C.95	PROTECTION OF WAGES CONVENTION, 1949	31.01.77
C.96	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949 [2]	19.07.54
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	15.11.73
C.100	EQUAL REMUNERATION CONVENTION, 1951	15.11.73
C.102	SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952 [3]	31.01.77
C.103	MATERNITY PROTECTION CONVENTION (REVISED), 1952	15.11.73
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	11.06.90
C.106	WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957	15.11.73
C.107	INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957 [4]	12.01.65
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	31.01.77
C.116	FINAL ARTICLES REVISION CONVENTION, 1961	12.01.65
C.117	SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962	31.01.77

[1] Convention denounced as a result of the ratification of Convention No. 121.

[2] Has accepted the provisions of Part II.

[3] Parts II, III and V to X. Pursuant to Article 3, para. 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9(d); 12(2); 15(d); 18(2); 27(d); 33(b); 34(3); 41(d); 48(c); 55(d) : and 61(d). Part VI is no longer applicable as a result of the ratif. of Convention No. 121. As a result of the ratif. of Convention No.128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable. Part III is no longer applicable as a result of the ratif. of Convention No. 130.

[4] Convention denounced as a result of the ratification of Convention No. 169.

BOLIVIA

Convention		Ratification registered
C.118	EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 [5]	31.01.77
C.120	HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964	31.01.77
C.121	EMPLOYMENT INJURY BENEFITS CONVENTION [SCHEDULE I AMENDED IN 1980], 1964 [6]	31.01.77
C.122	EMPLOYMENT POLICY CONVENTION, 1964	31.01.77
C.123	MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 [7]	31.01.77
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	31.01.77
C.128	INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967 [8]	31.01.77
C.129	LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969	31.01.77
C.130	MEDICAL CARE AND SICKNESS BENEFITS CONVENTION, 1969 [9]	31.01.77
C.131	MINIMUM WAGE FIXING CONVENTION, 1970	31.01.77
C.136	BENZENE CONVENTION, 1971	31.01.77
C.160	LABOUR STATISTICS CONVENTION, 1985 [10]	14.11.90
C.162	ASBESTOS CONVENTION, 1986	11.06.90
C.169	INDIGENOUS AND TRIBAL PEOPLES CONVENTION, 1989	11.12.91

[5] Branches (a) to (c) and (i).

[6] Pursuant to Article 2, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 5; 9, paragraph 3, clause (b); 12; 15, paragraph 2; and 18, paragraph 3.

[7] Minimum age specified: 16 years.

[8] Has accepted all Parts. Pursuant to Article 4, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9, paragraph 2; 13, paragraph 2; 16, paragraph 2; 22, paragraph 2. The Government has also availed itself of the temporary exclusion provided for in Article 38, paragraph 1, of the Convention.

[9] Pursuant to Article 2, paragraph 1, of the Convention, the Government has availed itself of the temporary exception provided for in Articles 1, subparagraph (g), clause (i); 11; 14; 20. The Government has also availed itself of the temporary exclusion provided for in Article 3, paragraph 1, of the Convention.

[10] Acceptance of Articles 7, 8 and 15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Bolivia (ratification: 1973)

The Committee notes the Government's report and particularly the copy of Act No. 1178 on government administration and control of 20 June 1990, which the Government referred to in previous reports as being Act No. 1198.

1. Article 3 of the Convention. Since section 9 of Act No. 1178 establishes that the Personnel Administration System shall determine, inter alia, the requirements and procedures for filling vacancies and shall implement "the systems for evaluating and remunerating work", the Committee requests the Government to provide the regulations issued under this Act so that the Committee can appreciate how the objective appraisal of jobs in the public service is carried out.

2. The Committee notes Decree No. 22739 which by its own authority establishes wage increases in the public sector and allows the private sector pursuant to section 25, to determine by consultation the wage increases for 1991, and provides that wage agreements must be registered within 45 days following the adoption of the Decree. So that the Committee can assess the methods and criteria used for fixing wages above the legal minimum, it asks the Government to provide copies of the wage agreements referred to in this section and section 19 of the Decree (the general provision on wage agreements), especially those applying to sectors which employ a large number of women.

3. Article 1. So that the Committee can ascertain whether the national legislation and practice are consistent with the Convention, it asks the Government to provide a copy of Presidential Decree No. 21137 defining the composition of wages, which include a "seniority bonus and a frontier subsidy", pursuant to section 1 of Decree No. 22739, or a copy of Decree No. 323474 of 20 April 1993 which, the report states, replaces Decree No. 22739 and which, according to the Government, was appended to the report, but has not been received by the Office.

4. Since 1990 the Government has been referring to a preliminary draft of a new General Labour Act which, it states, is being examined by the social partners. The Committee hopes that the draft will be adopted as soon as national circumstances allow and that, in accordance with the Government's assurances, it will fully incorporate the principle of equal pay for work of equal value into national positive law. It asks the Government to keep it informed of progress in this respect.

5. The Committee notes the recent agreement between the Ministry of Labour and Labour Development (MTDL) and the National Statistics Institute (INE), aimed at improving the national statistics department as regards both the collection and processing of data for the whole national territory. It hopes that detailed statistics will shortly be available, including on the activities of the labour inspectorate, and that the Government to provide a copy of them as soon as they are available.

6. In its report, the Government refers to Presidential Decree No. 23381 of 29 December 1992 which regulates the payment of social benefits. Since the copy of the Decree which the Government states it sent has not been received, the Committee requests it to send another copy.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1994

Bolivia (ratification: 1977)

The Committee notes the Government's report and the information to the effect that the preliminary draft of a new General Labour Act has been sent to the employers' and workers' organizations for approval. Since the Government has been referring to the above draft since 1990, the Committee hopes that it will be discussed and adopted by the National Congress in the near future. It asks the Government to keep it informed of any progress in this respect.

1. The Committee notes that Act No. 1178 repealed Legislative Decree No. 11049 and that the present Presidential Decree, No. 23326 of 10 November 1992, establishes the Administrative Careers Act but contains no provisions on forms of discrimination and their prohibition. The Committee asks the Government to state which legal provisions prohibit discrimination on the various grounds set out in Article 1, paragraph 1(a), of the Convention, in the public sector.

2. Subsection (c) of section 12 of Presidential Decree No. 23326 refers to a Manual of Posts in the Public Administration. Subsection (e) refers to "impediments and specific incompatibilities of the public service". The Committee asks the Government to provide a copy of the above Manual and to state what these impediments and incompatibilities are, and to provide a copy of the legal text establishing and defining them.

3. The second paragraph of section 13 of Decree No. 23326 refers to the creation of a "Governing Body of the System". The Committee asks the Government to provide copies of the regulations governing (a) the creation and procedure of the Governing Body of the System; (b) the convening of applicants to competitive examinations and the selection of candidates; and (c) a copy of the manual governing recruitment in the public administration.

Observation 1994

Bolivia (ratification: 1966)

1. The Committee notes the Government's report for the period ending June 1992, which contains a general statement concerning economic development in Bolivia, the Government's objectives and a number of references to vocational training activities. The Government states that the impact of structural adjustment is beginning to be felt and that economic growth is creating more jobs and producing a marked decrease in the unemployment rate which, according to the data from the National Statistical Institute, is 5.8 per cent. The Committee points out that the Government recognizes the difficulties persisting as a result of accumulated structural imbalances. A considerable part of the population has not enjoyed the benefits of progress: marginal categories of the population in rural and urban areas are experiencing conditions of extreme poverty and call for urgent attention. The Government adds that the objectives of the current plan include recapitalization of public enterprises, providing greater incentives for investment in production, generating employment and increasing the skills of the population. The Committee takes due note that the Government proposes, between 1994 and 1997, to generate 287,452 new jobs and trusts that in its next report it will indicate the extent to which the employment objectives which it has set have been achieved. The Committee refers once again to its previous comments in which it emphasized the need to provide the detailed information required by the report form on the situation, level and trends of employment, unemployment and underemployment, particularly with regard to the most vulnerable categories of the population, such as women, young people seeking their first job, workers who have lost their jobs as a result of economic adjustment, indigenous peoples, etc. The Committee would wish to be in a position to fully evaluate, on the basis of the information supplied by the Government in its next report, the manner in which as a "major goal" an "active" policy designed to promote full, productive and freely chosen employment has been set forth and implemented "within the framework of a coordinated economic and social policy" (Articles 1 and 2 of the Convention).

2. Article 3. The Committee notes that the Government considers it of vital importance, at this stage of the consolidation of democracy and economic stability, to conclude an agreement between the major social and economic partners, the basis of which is set out in the "Plan For All". With reference once again to its previous comments, in which it noted the comments made by workers' organizations and the discussions held in the Conference Committee, the Committee urges the Government to supply in its next detailed report the information required by the report form concerning the consultations with the representatives of the persons affected by the employment policy. These consultations should have the objective of taking fully into account their experiences and views and securing their full cooperation in formulating and enlisting support for the employment policy. The Committee would be particularly grateful to receive information on the manner in which it has been possible to give effect to its previous comments regarding consultations held with representatives of employers' and workers' organizations, and with representatives of other sectors of the economically active population, such as those working in the rural sector and the informal sector, and those who have been affected by structural adjustment measures.

3. In its previous comments, the Committee noted with interest the information supplied by the Government on the activities of the National Institute of Vocational Education and Training (INFOCAL). It notes that the

above Institute continues to achieve satisfactory results: between 1989 and 1992, an annual average of 4,142 persons received training. The Committee would be grateful if the Government would include information in its next report on the manner in which the persons who have been trained by INFOCAL, as well as by other projects in progress, some of which are receiving assistance from the international community, have been able to find lasting employment, and on the other measures which are envisaged to coordinate education and vocational training policies with prospective employment opportunities.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

CHILE

Relevant ILO Conventions ratified by Chile:[1]

Chile has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1925);
- Night Work (Women) Convention, 1919 (No. 4) (ratified in 1931);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1946);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1971);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1971);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1968);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1972).

Information available to the ILO

1. Equality of Remuneration

The 1994 direct request of the Committee of Experts on the application of Convention No. 100 reflects the difficulty of assessing whether, and to what extent, the principle of equal pay for work of equal value is applied, in the absence of practical information showing the measures taken to apply the legislation, including copies of collective bargaining agreements and statistics disaggregated by sex.

2. Equality in Employment

As is noted in the 1994 direct request of the Committee of Experts on the application of Convention No. 111, considerable attention has been devoted in the past to the issue of discrimination on the ground of political opinion; and very little information has been supplied pertinent to the matter of gender or other discrimination. The direct request attempts to elicit sufficient information on the other grounds of discrimination outlined in

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[1] Chile has not ratified the following relevant ILO Conventions: Nos. 89, 142, 156, 169, 171

Convention No. 111 to enable a future assessment of the application of the instrument.

3. Employment Policy

As is evident from the 1994 observation and direct request formulated by the Committee of Experts on the application of Convention No. 122, the Government has reported a fair measure of success with the implementation of an active employment and human resources policy, within the framework of an economic policy aimed at reconciling growth and equity. Neither of the comments reflects the ways these policies have impacted on women: as 70 percent of the new jobs created between 1991 and 1992 were in the industrial and construction sectors, it may perhaps be deduced that these jobs are occupied for the most part by men. Information has been sought on the activities carried out in the area of employment policy by the National Service for Women.

Convention		Ratification registered
C.1	HOURS OF WORK (INDUSTRY) CONVENTION, 1919	15.09.25
C.2	UNEMPLOYMENT CONVENTION, 1919	31.05.33
C.3	MATERNITY PROTECTION CONVENTION, 1919	15.09.25
C.4	NIGHT WORK (WOMEN) CONVENTION, 1919 [1]	08.10.31
C.5	MINIMUM AGE (INDUSTRY) CONVENTION, 1919	15.09.25
C.6	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919	15.09.25
C.7	MINIMUM AGE (SEA) CONVENTION, 1920	18.10.35
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	18.10.35
C.9	PLACING OF SEAMEN CONVENTION, 1920	18.10.35
C.10	MINIMUM AGE (AGRICULTURE) CONVENTION, 1921	18.10.35
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	15.09.25
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	15.09.25
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	15.09.25
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	15.09.25
C.15	MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921	18.10.35
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	18.10.35
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	08.10.31
C.18	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925	31.05.33
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	08.10.31
C.20	NIGHT WORK (BAKERIES) CONVENTION, 1925	31.05.33
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	18.10.35
C.24	SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927	08.10.31
C.25	SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927	08.10.31
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	31.05.33
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	31.05.33
C.29	FORCED LABOUR CONVENTION, 1930	31.05.33
C.30	HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930	18.10.35
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932	18.10.35
C.34	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933	18.10.35
C.35	OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	18.10.35
C.36	OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933	18.10.35
C.37	INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	18.10.35
C.38	INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933	18.10.35
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	16.03.46
C.63	CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938 [2]	10.05.57
C.80	FINAL ARTICLES REVISION CONVENTION, 1946	03.11.49
C.100	EQUAL REMUNERATION CONVENTION, 1951	20.09.71
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	20.09.71
C.122	EMPLOYMENT POLICY CONVENTION, 1964	24.10.68
C.127	MAXIMUM WEIGHT CONVENTION, 1967	03.11.72

[1] Has denounced this Convention.

[2] Excluding Part III.

CHILE

Convention		Ratification registered
C.144	TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976	29.07.92

Direct request 1994

Chile (ratification: 1971)

The Committee notes the information supplied by the Government in its report.

1. In its previous direct requests, the Committee requested the Government to indicate the manner in which and the provisions by which it ensured the application of the principle of equal remuneration for men and women workers for work of equal value, in accordance with the Convention. The Government merely refers once again to article 19(16) of the Constitution and section 2 of the Labour Code as applying the above principle; however, the Committee had noted that these provisions only refer in a general manner to the principle of equal treatment. The Committee notes the Government's statement that the employment services have not been notified of judicial rulings which are relevant to this matter. It once again requests the Government to inform it of the measures taken or envisaged to bring the legislation into conformity with the Convention in a sufficiently explicit form so that in practice the workers concerned are not obliged to resort to the labour courts or seek protection from the courts of justice against violations of these constitutional provisions.

2. The Committee notes the Government's statement that it does not have at its disposal copies of collective agreements which illustrate the manner in which wages that are higher than the minimum are fixed in the various sectors of the economy. The Committee again asks the Government to supply copies of a number of such agreements, perhaps by calling on the assistance of employers' or workers' organizations. Furthermore, it requests the Government to supply statistics indicating the proportion of women covered by collective agreements and the distribution of men and women workers at the various levels covered by the agreements.

3. The Committee takes note of Legislative Decree No. 90, issued by the Ministry of Finance. It notes that, from a reading of this text, certain other texts are necessary for an overall interpretation of the Decree; Legislative Decree No. 1608 of 1976, and the Regulations respecting qualifications referred to in section 6 of the Decree, and the single wage scale. The Committee therefore requests the Government to supply copies of these texts with its next report.

4. The Committee refers to the "Summary of Labour News No. 21", of 26 June 1992, distributed by the Permanent Mission of Chile to the international organizations in Geneva, in which reference is made to a study which is being undertaken on "the economic participation of women in Chile", by a group of specialists under the auspices of the National Women's Department. The Committee notes that there is a lack of detailed statistics on the remuneration of women workers and that the Government confines itself to replying that the National Statistical Institute does not disaggregate its data by sex or distinguish between men and women in its work. The Committee requests the Government to supply a copy of the above study with its next report in the hope that it will shed light on the application of the principle set out in the Convention. It also requests the Government to supply statistics on wage rates and the average incomes earned by men and women workers, by occupation, economic sector, seniority and level of qualifications, with an indication of the corresponding percentage of women.

5. In its report the Government refers to the information supplied in 1992 in the report concerning Convention No. 63. The Committee notes that no statistics were attached to the above report, which contains information on the implementation, starting in 1992, of a project to improve the compilation of statistics and their analysis. The Committee therefore refers to the comments which it is making concerning Convention No. 63.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1994

Chile (ratification: 1971)

For several years the Government's information on the application of the Convention has been confined to discrimination on grounds of political opinion. The Committee therefore asks the Government in its next report to provide information on the manner in which it applies each Article of the Convention. In particular, it would be grateful for information on any measures taken to ensure effective promotion of equal opportunity and treatment, regardless of race, colour, sex, religion, national extraction or social origin, and on the results obtained, particularly as regards:

(a) access to vocational training;

(b) access to employment and particular occupations;

(c) terms and conditions of employment, and more specifically the measures taken to promote equality of opportunity and treatment:

(i) in employment, vocational training and occupational guidance under the direction of the Government;

(ii) by means of legislation and education programmes;

(iii) with the cooperation of employers' and workers' organizations and other appropriate bodies, particularly as regards employment in the private sector and matters not covered by collective agreements.

Convention No. 122: Employment Policy, 1964

Observation 1994

Chile (ratification: 1968)

1. The Committee notes with interest the Government's report for the period 1990-92 containing a detailed analysis of employment policy problems and the information requested in the Committee's previous comments.

2. With reference to its previous observation, the Committee notes that the employment and labour market situation has continued to improve. After a decline in 1990 as a result of the adjustment policy to cope with inflationary pressures, there was an upturn in employment growth in 1991 (more than 100,000 new jobs were created in 1991 and the employed active population grew by more than 200,000 between 1991 and 1992). The Government stresses the productive nature of the jobs created (70 per cent of them were in the industrial and construction sectors) and states that they were concentrated in the formal sector (only 25 per cent of the new jobs were in the informal sector). The downward trend in unemployment, noted previously, continued: the unemployment rate dropped to approximately 5 per cent of the active population in April-June 1992, and the Government describes this as "close to full employment". With regard to remuneration and income distribution, the information in the report shows an increase in real wages (of 4.5 per cent over the past year), largely to the advantage of low wages, partly as a result of a series of tripartite agreements on economic and social issues.

3. The Committee has received comments from the Regional Employment Programme for Latin America and the Caribbean (PREALC) concerning the Government's report, which, generally speaking, bear out the Government's analysis and evaluations. PREALC points out, however, that there are still problems in the labour market: the high percentage of workers in low productivity jobs, and regions or industries in decline (such as coal), temporary workers in the agricultural sector, and youth unemployment. The Government makes it clear that it is still worried by the problem of youth unemployment, whose rate is still double that of the active population (11 per cent) and which mainly affects young people from the poorest households.

4. The Government attributes the results obtained to the implementation of an active employment and human resources policy, within the framework of an economic policy aimed at reconciling growth and equity. The economic indicators (particularly an annual product increase rate of 7 per cent) and the above-mentioned labour market indicators (employment and unemployment) bear out the progress registered during the reporting period. The Committee notes the information on the development of consultation procedures and more extensive cooperation between the social partners, which, while they appear to focus more on wages and remuneration than employment itself, constitute progress towards meeting the requirements of Article 3 of the Convention. It also notes with interest the various PREALC technical cooperation activities and the actions taken as a result, which have furthered the application of the Convention.

5. The Committee would be grateful if the Government would continue to provide information on efforts to achieve employment objectives as laid down in Article 1, by means of measures which, under Article 2 must be decided on and kept under review within the framework of a coordinated economic and social policy.

The Committee also asks for additional information in a direct request on certain other points, and particularly the impact, which is still difficult to assess as PREALC confirms, of policies or specific instruments concerning the categories of workers or the population referred to above which are still encountering difficulties in the labour market.

Convention No. 122: Employment Policy, 1964

Direct request 1994

Chile (ratification: 1968)

With reference to its observation, the Committee asks the Government to provide information in its next report on the following points:

1. Please continue to provide information on the activities of the public placement agency system and on private placement agencies, indicating whether any measures have been taken or are planned to make the recruitment and placement of jobseekers more efficient, in particular through the public, non-fee-charging employment service.

2. Please indicate the results obtained by the programme for retraining coalworkers, and the other measures adopted to assist workers affected by industrial restructuring in finding lasting employment.

3. Please continue to provide information on the implementation of the youth training programme and indicate to what extent the objectives for the period 1991-94 have been or are in the process of being attained. In particular, the Committee would be grateful if the Government would provide the results of the evaluations of the actual impact of training programmes.

4. Article 3 of the Convention. In its report the Government refers to a proposed amendment of the Training and Employment Scheme Regulations to set up a system of formal consultation procedures in this area. The Committee would be grateful if the Government would indicate how such consultations are ensured and to refer, if appropriate, to the relevant provisions of the ILO instruments on human resources development (Convention No. 142 and Recommendation No. 150).

The Committee would be grateful if the Government would continue to provide detailed information on consultations held with employers' and workers' organizations, with particular reference to consultations "on employment policies", giving particulars of any consultations held with representatives of other sectors of the active population such as the rural and urban informal sectors.

5. Please continue to provide information on the activities carried out in the area of employment policy by the National Service for Women, the National Office for Returnees and the National Organization for Indigenous Development.

6. Lastly, the Committee would be grateful if the Government would continue to supply information on action taken as a result of PREALC technical cooperation projects, including both specific employment projects and research conducted by the Ministry of Planning and Cooperation to evaluate the impact of macroeconomic policy on income distribution and to quantify the effect of Government action in relation to the chief objective of growth with equity.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

FINLAND

Relevant ILO Conventions ratified by Finland:[1]

Finland has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention 1935, (No. 45) (ratified in 1938);
- Equal Remuneration Convention 1951, (No. 100) (ratified in 1963);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1970);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1968);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1977);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1983);

Information available to the ILO

1. Equality of remuneration

The 1994 observation of the Committee of Experts on the application of Convention No. 100 reflects the concern of the Finnish trade unions over the continuing level of unequal pay between men and women. This case is a good example of the paradoxical situation observed by the Committee of Experts over the years of supervising the application of the instrument: once implementation of the Convention is undertaken rigorously, the more the existence of problems are brought to the surface, thus creating an impetus for still further action. As the 1994 observation and direct request show, the Government has undertaken, and is committee to pursuing, a considerable number of initiatives to achieve pay equity.

2. Equality in employment

As in the case of equal remuneration, active measures to eliminate gender discrimination are being taken by the Government under Convention No. 111. The 1993

[1] Finland has not ratified the following relevant ILO Conventions: No. 3, 4, 89, 103, 169, 171

direct request of the Committee of Experts on this Convention - and on Convention No. 156 - reflects once again the concern of the Finnish trade unions to further promote equality between men and women. Within the framework of Convention No. 156, the Government has taken a number of initiatives to improve maternity, paternity and parental leave. The 1994 observation on Convention No. 156 shows, interestingly, the Government's commitment to improving the application of the Convention, even though it has had to slow down its programme in difficult economic circumstances.

3. Employment Policy

The rapid and severe rise in unemployment is the central preoccupation of the Government , as relected in the 1993 observation of the Committee of Experts on the application of Convention No. 122. According to this comment, labour market policy measures have not been able to contain the growing unemployment. On this basis, the Committee has suggested that the Government review both the instruments of employment policy and, more generally, the relationships between employment objectives and other economic and social objectives.

FINLAND

Convention		Ratification registered
C.2	UNEMPLOYMENT CONVENTION, 1919	19.10.21
C.7	MINIMUM AGE (SEA) CONVENTION, 1920 [1]	10.10.25
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	20.01.50
C.9	PLACING OF SEAMEN CONVENTION, 1920	07.10.22
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	19.06.23
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	20.01.50
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	05.04.29
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	19.06.23
C.15	MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921 [2]	10.10.25
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	10.10.25
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	20.01.50
C.18	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925	17.09.27
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	17.09.27
C.20	NIGHT WORK (BAKERIES) CONVENTION, 1925 [3]	26.05.28
C.21	INSPECTION OF EMIGRANTS CONVENTION, 1926	05.04.29
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	08.04.47
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	08.08.32
C.29	FORCED LABOUR CONVENTION, 1930	13.01.36
C.30	HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930	13.01.36
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932 [4]	23.08.49
C.34	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933 [5]	13.01.36
C.42	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934 [6]	20.01.50
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	03.03.38
C.47	FORTY-HOUR WEEK CONVENTION, 1935	23.11.89
C.52	HOLIDAYS WITH PAY CONVENTION, 1936 [7]	23.08.49
C.53	OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936	08.04.47
C.62	SAFETY PROVISIONS (BUILDING) CONVENTION, 1937	08.04.47
C.63	CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938 [8]	08.04.47

[1] Convention denounced as a result of the ratification of Convention No. 138.

[2] Convention denounced as a result of the ratification of Convention No. 138.

[3] Has denounced this Convention.

[4] Convention denounced as a result of the ratification of Convention No. 152.

[5] Convention denounced as a result of the ratification of Convention No. 96.

[6] Convention denounced as a result of the ratification of Convention No. 121.

[7] Convention denounced as a result of the ratification of Convention No. 132.

[8] Excluding Part III. Convention denounced as a result of the ratification of Convention No. 160.

FINLAND

Convention		Ratification registered
C.72	PAID VACATIONS (SEAFARERS) CONVENTION, 1946 [9]	23.08.49
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	15.05.56
C.75	ACCOMMODATION OF CREWS CONVENTION, 1946 [10]	23.08.49
C.80	FINAL ARTICLES REVISION CONVENTION, 1946	28.06.47
C.81	LABOUR INSPECTION CONVENTION, 1947	20.01.50
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	20.01.50
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	23.11.89
C.91	PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949 [11]	22.12.51
C.92	ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949	22.12.51
C.94	LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949	22.12.51
C.96	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949 [12]	22.12.51
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	22.12.51
C.100	EQUAL REMUNERATION CONVENTION, 1951	14.01.63
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	27.05.60
C.108	SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958	26.10.70
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	23.04.70
C.115	RADIATION PROTECTION CONVENTION, 1960	16.10.78
C.116	FINAL ARTICLES REVISION CONVENTION, 1961	01.06.64
C.118	EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 [13]	15.08.69
C.119	GUARDING OF MACHINERY CONVENTION, 1963	15.08.69
C.120	HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964	23.09.68
C.121	EMPLOYMENT INJURY BENEFITS CONVENTION [SCHEDULE I AMENDED IN 1980], 1964 [14]	23.09.68
C.122	EMPLOYMENT POLICY CONVENTION, 1964	23.09.68
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	23.09.68
C.128	INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967 [15]	13.01.76
C.129	LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969	03.09.74
C.130	MEDICAL CARE AND SICKNESS BENEFITS CONVENTION, 1969	03.09.74
C.132	HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 [16]	15.01.90

[9] Convention denounced as a result of the ratification of Convention No. 91.

[10] Convention denounced as a result of the ratification of Convention No. 92.

[11] Convention denounced as a result of the ratification of Convention No. 146.

[12] Has denounced this Convention.

[13] Branches (a), (b) and (g). The Government has stated that medical care and sickness benefits are benefits provided in accordance with Article 2, paragraph 6(a) and that employment injury benefit is granted under transitional schemes referred to in Article 2, paragraph 6(b).

[14] Has accepted the text of the List of Occupational Diseases (Schedule I) duly amended by the General Conference of the International Labour Conference during its 66th Session (1980).

[15] Has accepted all Parts.

[16] Length of holiday specified: 24 working days. Has accepted the provisions of Article 15, paragraph 1(a) and (b).

FINLAND

Convention		Ratification registered
C.133	ACCOMMODATION OF CREWS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1970	22.11.74
C.134	PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970	22.11.74
C.135	WORKERS' REPRESENTATIVES CONVENTION, 1971	13.01.76
C.136	BENZENE CONVENTION, 1971	13.01.76
C.137	DOCK WORK CONVENTION, 1973	13.01.76
C.138	MINIMUM AGE CONVENTION, 1973 [17]	13.01.76
C.139	OCCUPATIONAL CANCER CONVENTION, 1974	04.05.77
C.140	PAID EDUCATIONAL LEAVE CONVENTION, 1974	24.02.92
C.141	RURAL WORKERS' ORGANIZATIONS CONVENTION, 1975	14.09.77
C.142	HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	14.09.77
C.144	TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976	02.10.78
C.145	CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976	02.10.78
C.146	SEAFARERS' ANNUAL LEAVE WITH PAY CONVENTION, 1976 [18]	15.01.90
C.147	MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976	02.10.78
C.148	WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977	08.06.79
C.149	NURSING PERSONNEL CONVENTION, 1977	08.06.79
C.150	LABOUR ADMINISTRATION CONVENTION, 1978	25.02.80
C.151	LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978	25.02.80
C.152	OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979	03.07.81
C.154	COLLECTIVE BARGAINING CONVENTION, 1981	09.02.83
C.155	OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981	24.04.85
C.156	WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981	09.02.83
C.158	TERMINATION OF EMPLOYMENT CONVENTION, 1982	30.06.92
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	24.04.85
C.160	LABOUR STATISTICS CONVENTION, 1985 [19]	27.04.87
C.161	OCCUPATIONAL HEALTH SERVICES CONVENTION, 1985	27.04.87
C.162	ASBESTOS CONVENTION, 1986	20.06.88
C.163	SEAFARERS' WELFARE CONVENTION, 1987	30.06.92
C.168	EMPLOYMENT PROMOTION AND PROTECTION AGAINST UNEMPLOYMENT CONVENTION, 1988	19.12.90
C.173	PROTECTION OF WORKERS' CLAIMS (EMPLOYER'S INSOLVENCY) CONVENTION, 1992. [20]	20.06.94

[17] Minimum age specified: 15 years.

[18] Length of annual leave specified: 30 days.

[19] Acceptance of Articles 7-10 and 12-15 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.

[20] Has accepted the provisions of Part III.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Finland (ratification: 1963)

The Committee notes the detailed information provided by the Government in its report as well as the comments from the Confederation of Finnish Industry (TT) and the Employers' Confederation of Service Industries (LTK) on the methodology of studies into pay differentials, and the comments of the Central Organization of Finnish Trade Unions (SAK), the Confederation of Technical Employee Organizations in Finland (STTK) and the Confederation of Unions for Academic Professionals (AKAVA) calling for action to be taken on the great amount of data and studies showing unequal pay between men and women workers.

Article 2 of the Convention

1. The Committee notes from the statistical table in the Governments' report that despite the impact of the equality allowance in slightly reducing sex-based wage differentials, the trend towards narrowing this gap slowed down in the late 1980s. The greatest impact of the equality allowance was in the local government sector, where for full-time personnel in 1992 women's average monthly earnings were 76 per cent of men's. Noting that for civil servants in 1992 women's total average earnings were 79 per cent of men's, the Committee would be grateful to receive more statistical information, if possible, showing progress towards the reduction of sex-based wage gaps by sector with special emphasis on female-dominated occupations and low-paid occupations in relation to male-dominated occupations.

Article 3

2. The Committee notes with interest the information on the outcome of the study of the working group on job evaluation established by the central market organizations in 1990. The working group drew up a series of job requirements corresponding to the 1986 General Survey on Equal Remuneration and proposed measures to introduce job evaluation systems in various spheres of working life, such as sector-specific pay provisions, job evaluation systems for each contract sector, the use of job descriptions as a basis for job evaluation. The Working group stressed cooperation between the labour market parties and research promoting analytical job evaluation.

The working group then commissioned a pilot study aimed at testing its job requirement framework, which completed its work in 1993. The results showed that the chosen job evaluation factors could be applied to different sectors, that the jobs of women and men were equally demanding in both the public and the private sectors, that job descriptions were important and that job evaluation was a suitable tool for promoting equal pay between the sexes. As the Government reports that the pilot study is to continue with cross-sector comparisons, the Committee would like to be kept informed of its further findings and would like to receive a copy of its final report, which was expected to be completed in autumn 1993.

3. The Committee notes the information provided regarding the ongoing re-evaluation of the state pay system, according to which pay discrimination seems to be the lowest in the public sector and pay differentials are larger when statistics use average earnings rather than the various pay components.

It also notes the principles on pay formulation contained in the 1992 State Employer's Salary and Wage Policy Programme, appended to the report, which aim at linking factors such as the demand for a job, personal work performance and operative results in setting fair and flexible pay levels.

The Committee would like to receive information on the practical application of this Programme and indications as to when the re-evaluation of the State pay system is completed.

4. The Committee is addressing a direct request to the Government on certain other points.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Finland (ratification: 1963)

1. The Committee notes the recent studies of the gender-related reasons for differences between women's and men's earnings mentioned in the Government's report. It notes, in particular, one study in the metal and forest industries showing that gender-related reasons accounted for 4.5 per cent of the difference in the case of female workers and 8.5 per cent of female salaried personnel where the pay differentials between the sexes were respectively 16 per cent and 32 per cent. It also notes a second study, in the metal industry, showing that the gender-related pay difference was 2.7 per cent, when company-specific differences were taken into account. It notes the statement of the Confederation of Finnish Industry and Employers (TT) and the Employers' Confederation of Service Industries (LTK) emphasizing the importance of eliminating, as far as possible, the effect on pay of "other" factors that are not related to sex, "such as the sector duties, working time, training, work experience, personal competency and work performance".

The Committee refers the Government to paragraphs 57 to 62 of its 1986 General Survey on Equal Remuneration where it examines other criteria used and warned of the need for bona fide application of apparently neutral factors, and the problem of evaluating a worker rather than the work. The Committee asks the Government to inform it in future reports of any other research studying sex-based vis-à-vis other factors in wage differentials or stressing residual gender-related gaps.

2. Noting the 1992 Supreme Court judgement concerning equal remuneration, the Committee asks the Government to continue to provide information on any court decisions or activities of the Equality Ombudsman concerning the application of the principle of the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1993

Finland (ratification: 1970)

With reference to its previous direct requests, the Committee notes with interest the various measures outlined in the Government's report to eliminate discrimination in employment on the ground of sex: legislative initiatives to extend parental leave; the Decree on the Equality Plan for the Public Administration of 1 January 1991; the Council of State decision in principle of 7 March 1991 to promote equality between the sexes and the principle of equal pay; the Employment Contracts Amendment Act No. 595 of 27 March 1991 adding specific protection against termination of employment on the ground of pregnancy; and amendment to the Equality Act of 1 August 1992 broadening the grounds of prohibited sexual discrimination.

1. The Committee notes with interest the Ministry of Finance's statistics showing the number of government staff equality plans in force or being drawn up, the description of the Labour Administration's equality plan (setting targets, reporting, publicising of its aims and results through a bulletin and the creation of equality working groups in labour districts), and the adoption by the Ministry of Education in 1991 of an equality plan for training.

The Committee notes, however, the comments of the Central Organization of Trade Unions (SAK) and the Confederation of Salaried Employees of Finland (TVK), pointing respectively to the lack of equality plans in the private sector and of adequate sanctions and group legal action under the Equality Act of 1987, and to the 20 to 25 per cent wage differential between male and female remuneration as the greatest practical obstacle to equality in employment. On this point the Finnish Employers' Confederation (STK) and the Employers' Confederation of Service Industries (LTK) observe that a 1990 study of pay inequalities in industry shows that the difference can be largely ascribed to the fact that men and women have different professions and do different jobs.

The Committee would accordingly request the Government to indicate in its next report what measures have been taken or envisaged: (a) to promote the national policy of non-discrimination in employment in the private sector, with the cooperation of employers' and workers' organizations and other appropriate bodies; and (b) to improve the enforcement of the Equality Act of 1987 through adequate sanctions and means of recourse. The Committee will deal with the question of inequalities in pay in the framework of Convention No. 100, which Finland has ratified.

2. The Committee recalls that the study of sexual harassment in the workplace was to have been completed in late 1992 and that the Government referred to the study as an example of the effort being made to improve working conditions for women. The Committee requests the Government to provide information concerning the study's findings and on any measures taken as a result of the study.

3. The Committee notes that the Working Group set up to investigate the forms of discrimination based on national extraction submitted its report, entitled "Multicultural Finland" in November 1990 to the Ministry of Justice, which recommended, inter alia, the establishment as soon as possible of a broad-based preparatory body entrusted with updating the legislation and

administrative procedures needed in this field. Observing that plans for further action are under way, the Committee requests the Government to continue to supply infomation on the measures taken to implement these recommendations.

4. The Committee notes with interest the various legislative measures which have been taken to improve maternity, paternity and parental leave and the protection of maternity and parenthood. It will deal with those matters in due course in the framework of Convention No. 156, also ratified by Finland.

Convention No. 156: Workers with Family Responsibilities, 1981

Observation 1994

Finland (ratification: 1983)

The Committee has noted the information provided by the Government in its report.

1. The Committee's previous comments reflected the concern of the trade unions over the inadequacy of municipal day care which, in their view, forced parents to resort to the more expensive and less reliable alternative of private arrangements, thus creating inequality for parents. In its comments on this matter, the Government notes that the new Children's Home-Care Allowance Act, which entered into force in 1985, ensured the parents of children under 3 years, a choice of either municipal day care or a home-care allowance. In addition to enabling a child to be cared for at home by a parent, the allowance may also be used to cover the cost of private child care. The Government states that all children under 3 years were extended the actual right to municipal day care in 1990, either in day-care centres or in the homes of carers employed by the municipal authorities. According to information provided by the Government, virtually all local authorities had managed to arrange the care of children under 3 years by 1990. By that time, 95 per cent of the demand for the full-time care of all children below the school age and 98 per cent of that for part-time care had been met. Moreover, the number of families receiving the home-care allowance had increased to 58,000 in 1990, as compared with 15,800 in 1985.

The Government indicates, in its report, that legislation passed in 1991 was to have further extended the right to day care by granting it to all children under 4 years by 1993 and to all children under school age by 1995. The Government also intended to extend the home-care allowance scheme accordingly so that by August 1995, all children below the school age of 7 years would have been covered by a social day-care or allowance system. However, in 1992, the Government postponed the entry into force of this legislation as the economic situation had worsened considerably. The legislative right to day-care and the extension of the home-care allowance to children under 4 years will now take effect in August 1995.

2. The present report also contains a comment made by the Central Organization of Finnish Trade Unions and the Confederation of Unions for Academic Professionals in Finland stating that the economic recession has had an adverse effect on the distribution of family support between men and women. The Government has also referred to the effect of the deep economic recession on the development of social security policy and benefits to families with children. This has resulted in a reduction of the level of the maternity and parental allowance, from 70 per cent to 66 per cent, and a shortening of the period for the payment of the maternity or parental allowance from 275 to 263 days. On the other hand, the Government has indicated that the 6-12 month paternity leave entitlement will no longer shorten the length of the parental leave. In addition, 1990 amendments to the Employment Contracts Act of 1970 have extended an employee's right to part-time leave for the care of a child at home until the end of the year in which the child starts school.

3. The Committee appreciates the full and candid comments of the Government concerning the measures being taken to maintain the promotion of the Convention in difficult economic circumstances. The Committee hopes that the Government will be able to continue its attempts to foster the aims of the Convention and that its future reports will reflect these efforts.

4. The Committee is addressing a direct request to the Government on other points.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

Finland (ratification: 1982)

1. Referring to its observation, the Committee notes that efforts have been made to instruct employment office personnel on the implications for customer service of gender equality legislation. The Committee requests the Government to continue to supply information on any measures taken to promote information and educational initiatives that will promote the objects of the Convention.

2. Noting that labour market training courses are arranged for first-time job entrants and for the long-term unemployed, the Committee requests the Government to provide further information on the extent to which these courses attract persons wishing to re-enter the labour market after absences due to family responsibilities.

3. The Committee requests the Government to continue providing information, in accordance with Article 10, paragraph 2, assessing the extent to which the provisions of the Convention have been applied.

Convention No. 122: Employment Policy, 1964

Observation 1993

Finland (ratification: 1968)

1. The Committee took note of the Government's report and of the comments of the Central Organization of Finnish Trade Unions (SAK), the Finnish Employers' Confederation (STK), the Employers' Confederation of Service Industries (LTK) and the Local Authority Employers' Commission (KT) which were included. It also notes the texts of the legislation amending the 1987 Employment Act which was supplied by the Government.

2. The information contained in the Government's report reveal a rapid and worrying decline in the employment situation. The deep recession in economic activity - characterized by a 6.5 per cent drop in production in 1991 - led to a 6.2 per cent decline in total employment in 1991. The unemployment rate, which rose from 3.5 per cent in 1990 to 7.6 per cent in 1991, reached 12 per cent in 1992. The drop in employment was particularly marked in industry, construction and commerce, and there was a sharp increase in unemployment among young people and long-term unemployment.

3. The Government indicates that its labour market policy, which is an essential component of its employment policy, is still based on the provisions of the Employment Act of 13 March 1987 (Legislative Series 1987-Fin. 1) which organizes the placement of unemployed workers and, where appropriate, requires the State and the municipalities to provide temporary employment for unemployed youth and the long-term unemployed. Implementation of this requirement, however, has not curbed the increase in long-term unemployment which affected 26,000 persons in 1992 - as opposed to 3,000 in 1990 - nor the increase in unemployment among persons under the age of 25, for whom the estimated unemployment rate in 1992 was 23 per cent. Furthermore, in view of the difficulties of applying the Act at a time of recession and high and rising unemployment, and in view of the objective of lower public expenditure, the obligations on public administrations and services have been considerably reduced. Thus, for example, municipalities are no longer required to provide full-time temporary employment, but only part-time temporary employment. The Committee notes in this connection that, according to the KT, the municipalities are having to reduce their own permanent staff and are experiencing great difficulties in finding enough jobs that match the skills of the unemployed and are likely to improve their chances of employment in the open labour market.

4. The Committee notes with interest the information concerning the measures taken to improve the efficiency of the employment services, and measures in the area of the development of human resources, particularly the promotion of training for the labour market in cooperation with enterprises, which was a measure designed and implemented as an alternative to lay-offs. The Committee asks the Government to refer in this connection to its comments under Convention No. 88, of which it examined the first report this year, and Convention No. 142.

5. In its comments on the Government's report, the SAK considers that the funds allocated to training for the labour market are inadequate. Although public expenditure on unemployment rose from 2 to 4 per cent of GDP during the period under consideration, saving measures mainly affected the programmes for the long-term unemployed. According to this organization, fiscal issues related to the equilibrium of the budget economy have been given

more attention than the long-term targets of labour market policy. The OECD confirms in its study published in August 1992 that the relative share of resources devoted to active labour market measures has decreased.

6. It emerges from the information available to the Committee that labour market policy measures have not been able to contain growing unemployment, particularly youth and long-term unemployment. Moreover, full application of the provisions of the 1987 Act has been impaired by the requirements of a balanced budget, and the amendments to them have had the effect of limiting the financial commitment of the public authorities, which is likely to make the measures envisaged less effective. Should this prove to be so, the objective of "ensuring full employment", established in the 1987 Act, is likely to be put in jeopardy or postponed. The Committee would appreciate any information which the Government might be prepared to provide on any substantive debates that have taken place, particularly when the various amendments were made to the Act, on the question of full employment both as an objective and as a means of ensuring the right to work laid down in the Constitution.

7. If the foregoing evaluation of the employment situation is accurate, then the Committee suggests that it would be advisable to review in depth both the instruments of employment policy and, more generally, the "relationships between employment objectives and other economic and social objectives" (Article 1, paragraph 3, of the Convention). The Committee wishes to recall in this connection that under Article 2 States parties to the Convention must decide and keep under review, within the framework of a coordinated economic and social policy, the measures to be adopted for attaining the objectives of employment. It trusts that in its next report the Government will provide detailed information on the manner in which its choice of economic policy contributes to the promotion of full, productive and freely chosen employment, stating, in particular, how the measures adopted in the areas of budgetary, taxation and monetary policies, industrial and trade policies, and prices, incomes and wages policies contribute to attaining this essential objective. The Committee notes that section 5 of the Act of 1987, as recently amended, no longer requires the Council of Ministers to establish annually a list of short-term employment policy objectives, and asks the Government to indicate the procedures by which the commitment of the various ministerial departments and the coordination of their actions are now ensured in this area.

8. Lastly, the Committee notes the joint communication from the STK and the LTK concerning the representation of employers' organizations in the tripartite bodies set up in connection with the Ministry of Labour. The Committee also refers to its pending comments on Conventions Nos. 88 and 142, and would be grateful if the Government would indicate the procedures for the appointment of representatives of employers, workers or other persons affected who participate in consultations on employment policy and cooperate in its implementation, in accordance with the provisions of Article 3, to which the Committee pays a particular attention.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

NORWAY

Relevant ILO Conventions ratified by Norway:[1]

Norway has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1929);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1959);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1959);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1982).

Information available in the ILO

1. Equality of remuneration

Since Norway's third periodic report (May 1991) the project on "Equal Pay for Women and Men in the Nordic Countries" - one of the Core Elements of the Nordic Council of Ministers' Action Plan for Equal Opportunities 1989 - 93 - has been implemented. In 1994 the Committee of Experts on the Application of Conventions and Recommendations made an observation on the application of the Equal Remuneration Convention, 1951 (No. 100) in which it noted the information provided on the Government's initiative for an equal pay strategy, submitted in a report to Parliament in May 1993. Parliament has agreed in principle to a number of measures to remove pay inequality, including a revision of the Equal Status Act, the development of job evaluation schemes into a suitable instrument for pay equality, monitoring the consequences of the new wage systems in the public sector, and projects in female dominated workplaces aimed at influencing all the factors that interfere with pay equality (personnel policies, attitudes etc). The Committee requested further information on the outcome of the proposed amendments to the Act. The Committee also asked to be kept informed of developments as regards in particular the burden of proof for

[1] Norway has not ratified the following relevant ILO Conventions: Nos. 3, 4, 45, 89, 103, 171

accepting "market value" as a criterion for wage determination. Other questions were raised in a direct request.

2. Equality in employment

In 1994 the Committee made an observation on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in which it noted the comments by the Confederation of Norwegian Business and Industry (NHO) that wage differences between male and female workers were due to the differences in wages paid in positions held by men and in positions held by women rather than to sexual differences. It also noted that the Government reported the continuation of job segregation in spite of attempts to overcome it. Other questions were raised in a direct request.

3. Employment policy

The Committee noted the information in the Governments' report on the application of the Employmenmt Policy Convention, 1969 (No. 122) that employment continued to decline and unemployment to increase. It noted the particular effect on women of growing underemployment.

4. Workers with family responsibilities. Various questions were raised in a direct request under Convention No. 156 in 1994.

NORWAY

Convention		Ratification registered
C.2	UNEMPLOYMENT CONVENTION, 1919	23.11.21
C.5	MINIMUM AGE (INDUSTRY) CONVENTION, 1919 [1]	07.07.37
C.7	MINIMUM AGE (SEA) CONVENTION, 1920 [2]	07.10.27
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	21.07.36
C.9	PLACING OF SEAMEN CONVENTION, 1920	23.11.21
C.10	MINIMUM AGE (AGRICULTURE) CONVENTION, 1921 [3]	28.01.57
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	11.06.29
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	22.01.63
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	11.06.29
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	07.07.37
C.15	MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921 [4]	07.10.27
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	05.12.80
C.18	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925	11.06.29
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	11.06.29
C.21	INSPECTION OF EMIGRANTS CONVENTION, 1926	28.01.57
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	29.03.40
C.24	SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927	29.05.61
C.25	SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927	29.05.61
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	07.07.33
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	01.07.32
C.29	FORCED LABOUR CONVENTION, 1930	01.07.32
C.30	HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930	29.06.53
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932 [5]	23.06.56
C.34	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933 [6]	04.07.49
C.42	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED), 1934	21.05.35
C.43	SHEET-GLASS WORKS CONVENTION, 1934	21.05.35
C.44	UNEMPLOYMENT PROVISION CONVENTION, 1934 [7]	20.05.57
C.47	FORTY-HOUR WEEK CONVENTION, 1935	13.03.79
C.49	REDUCTION OF HOURS OF WORK (GLASS-BOTTLE WORKS) CONVENTION, 1935	21.07.36
C.50	RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936	07.07.37
C.53	OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936	07.07.37
C.56	SICKNESS INSURANCE (SEA) CONVENTION, 1936	06.06.66

[1] Convention denounced as a result of the ratification of Convention No. 138.

[2] Convention denounced as a result of the ratification of Convention No. 138.

[3] Convention denounced as a result of the ratification of Convention No. 138.

[4] Convention denounced as a result of the ratification of Convention No. 138.

[5] Convention denounced as a result of the ratification of Convention No. 152.

[6] Convention denounced as a result of the ratification of Convention No. 96.

[7] Convention denounced as a result of the ratification of Convention No. 168.

NORWAY

Convention		Ratification registered
C.58	MINIMUM AGE (SEA) CONVENTION (REVISED), 1936 [8]	07.07.37
C.59	MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937 [9]	26.08.38
C.63	CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938 [10]	29.03.40
C.68	FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946	28.01.57
C.69	CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946	06.03.52
C.71	SEAFARERS' PENSIONS CONVENTION, 1946	04.07.49
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	17.02.55
C.75	ACCOMMODATION OF CREWS CONVENTION, 1946 [11]	04.07.49
C.80	FINAL ARTICLES REVISION CONVENTION, 1946	05.01.49
C.81	LABOUR INSPECTION CONVENTION, 1947	05.01.49
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	04.07.49
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	04.07.49
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	20.05.57
C.91	PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949	29.06.50
C.92	ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949	29.06.50
C.95	PROTECTION OF WAGES CONVENTION, 1949	29.06.50
C.96	FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949 [12]	29.06.50
C.97	MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949	17.02.55
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	17.02.55
C.100	EQUAL REMUNERATION CONVENTION, 1951	24.09.59
C.101	HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952 [13]	30.09.54
C.102	SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952 [14]	30.09.54
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	14.04.58
C.108	SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958	26.10.70
C.109	WAGES, HOURS OF WORK AND MANNING (SEA) CONVENTION (REVISED), 1958 [15]	30.08.66
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	24.09.59
C.112	MINIMUM AGE (FISHERMEN) CONVENTION, 1959 [16]	22.01.63
C.113	MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959	05.12.80

[8] Convention denounced as a result of the ratification of Convention No. 138.

[9] Convention denounced as a result of the ratification of Convention No. 138.

[10] Excluding Part III. Convention denounced as a result of the ratification of Convention No. 160.

[11] Convention denounced as a result of the ratification of Convention No. 92.

[12] Has accepted the provisions of Part II.

[13] Convention denounced as a result of the ratification of Convention No. 132.

[14] Parts II to VII. As a result of the ratification of Convention No. 128 and pursuant to Article 45 of that Convention certain parts of the present Convention are no longer applicable. Part III is no longer applicable as a result of the ratification of Convention No. 130.

[15] Conditional ratification and excluding Part II.

[16] Convention denounced as a result of the ratification of Convention No. 138.

NORWAY

Convention		Ratification registered
C.115	RADIATION PROTECTION CONVENTION, 1960	17.06.61
C.116	FINAL ARTICLES REVISION CONVENTION, 1961	22.01.63
C.118	EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 [17]	28.08.63
C.119	GUARDING OF MACHINERY CONVENTION, 1963 [18]	10.12.69
C.120	HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964	06.06.66
C.122	EMPLOYMENT POLICY CONVENTION, 1964	06.06.66
C.126	ACCOMMODATION OF CREWS (FISHERMEN) CONVENTION, 1966	06.07.67
C.128	INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS CONVENTION, 1967 [19]	01.11.68
C.129	LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969	14.04.71
C.130	MEDICAL CARE AND SICKNESS BENEFITS CONVENTION, 1969	15.02.72
C.132	HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 [20]	22.06.73
C.133	ACCOMMODATION OF CREWS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1970	14.03.75
C.134	PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970	09.03.76
C.135	WORKERS' REPRESENTATIVES CONVENTION, 1971	24.11.76
C.137	DOCK WORK CONVENTION, 1973	21.10.74
C.138	MINIMUM AGE CONVENTION, 1973 [21]	08.07.80
C.139	OCCUPATIONAL CANCER CONVENTION, 1974	14.06.77
C.141	RURAL WORKERS' ORGANIZATIONS CONVENTION, 1975	24.11.76
C.142	HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	24.11.76
C.143	MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975	24.01.79
C.144	TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976	09.08.77
C.145	CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976	24.01.79
C.147	MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976	24.01.79
C.148	WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977	13.03.79
C.149	NURSING PERSONNEL CONVENTION, 1977	05.07.89
C.150	LABOUR ADMINISTRATION CONVENTION, 1978	19.03.80
C.151	LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978	19.03.80
C.152	OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979	05.12.80
C.154	COLLECTIVE BARGAINING CONVENTION, 1981	22.06.82
C.155	OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981	22.06.82
C.156	WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981	22.06.82
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	13.08.84

[17] Branches (f) and (i).

[18] In conformity with the provisions of Article 17, paragraph 1, of the Convention, a declaration was specified to which undertakings and to which ships, boats and barges the provisions of the Convention apply.

[19] Has accepted all Parts.

[20] Length of holiday specified: 24 working days. Has accepted the provisions of Article 15, paragraph 1(a) and (b).

[21] Minimum age specified: 15 years.

NORWAY

Convention		Ratification registered
C.160	LABOUR STATISTICS CONVENTION, 1985 [22]	06.08.87
C.162	ASBESTOS CONVENTION, 1986	04.02.92
C.163	SEAFARERS' WELFARE CONVENTION, 1987	26.11.93
C.167	SAFETY AND HEALTH IN CONSTRUCTION CONVENTION, 1988	24.06.91
C.168	EMPLOYMENT PROMOTION AND PROTECTION AGAINST UNEMPLOYMENT CONVENTION, 1988	19.06.90
C.169	INDIGENOUS AND TRIBAL PEOPLES CONVENTION, 1989	19.06.90
C.170	CHEMICALS CONVENTION, 1990	26.11.93

[22] Acceptance of all the Articles of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.

Convention No. 122: Employment Policy, 1964

Observation 1994

Norway (ratification: 1966)

1. The Committee notes the Government's report for the period ending June 1992. According to the information in the report, employment continued to decline and unemployment to increase. The OECD data which bear out the detailed information supplied by the Government, show a drop in total employment of 0.9 per cent in 1990, 1 per cent in 1991 and 0.3 per cent in 1992. The unemployment rate rose from 5.2 per cent in 1990 to 5.5 per cent in 1991 and 5.9 per cent in 1992. The unemployment rate of the under 25 age group reached 13.9 per cent in 1992 and almost 25 per cent of the unemployed that year had been without work for more than one year. The Government also indicates an increase in underemployment, which particularly affects women and young people, in the form either of partial unemployment or involuntary temporary work. The continuation of relatively sustained growth in economic activity seems, at the moment, insufficient to reverse the downward trend in the labour market, which is appreciably less marked, however, than in most other OECD countries.

2. The Government indicates that the main objectives of its labour market policy are, in this context, to ensure speedy placement of jobseekers, prevent exclusion from working life, provide jobseekers with the right skills and curb the harmful effects of an imbalanced labour market. To this end, priority is given to promoting employment, as reflected in the importance attached to training measures and specially devised programmes for the most vulnerable categories of the population. The number of participants in employment programmes continued to increase in the reporting period, and the Committee notes with interest that follow-up surveys were carried out to assess the effect of these programmes on the employment of those concerned. It would be grateful if the Government would continue to provide the results of such surveys. The Committee notes the importance that the Government attaches to "active" labour market policy measures, as opposed to "passive" measures (to guarantee resources); it asks the Government to provide information in its next report on developments in the disbursement of public funds on this type of measure, since the data in the 1993 OECD economic survey do not appear to bear out the Government's assertion in this respect.

3. The Committee notes the indication that labour market policy objectives are integrated into the general economic policy, one of whose main priorities is to ensure conditions in which the economy can create stable employment. With reference to its previous comments, the Committee hopes that the next report will state, in answer to the questions in the report form, the manner in which the measures taken particularly in the areas of monetary and budgetary policies, prices, incomes and wages policies, investment policies or policies on balanced regional development contribute "within the framework of a coordinated economic and social policy" to pursuing the objective of full, productive and freely chosen employment. It would be grateful if the Government would state the role played in this area by the Employment Commission mentioned in the report. The Committee regrets to note that the report does not contain the information requested on how representatives of persons affected, particularly representatives of employers and workers, are consulted on employment policy, in accordance with Article 3 of the Convention. It trusts that the next report will also contain detailed information on the effect given to this important provision of the Convention.

Convention No. 156: Workers with Family Responsibilities, 1981

Observation 1994

Norway (ratification: 1982)

Referring to its previous comments concerning any measures taken with respect to workers with responsibilities in relation to members of their families other than dependent children, the Committee notes with interest the recent amendments made to the 1966 National Insurance Act. Under these, an insured person who is home nursing a person with whom he or she has a close relationship is entitled, during the terminal phase of an illness or injury, to daily cash benefits (under the rules concerning such payments for an insured person's illness) for a period of up to 20 days. In addition, a person who has been caring for elderly, sick or handicapped persons who are not in an institution, may be credited with pension points for each calendar year in which he/she has provided such care, provided that the care has amounted to at least six months of the year in question and has been so extensive that the person has essentially been prevented from supporting him or herself. (This latter benefit also applies to persons caring for children under 7 years of age.)

The Committee is raising certain other points in a request addressed directly to the Government.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

Norway (ratification: 1982)

The Committee notes the report of the Government and appended documents.

The Committee notes with interest the amendments to sections 31, 32 and 33A of the 1977 Worker Protection and Working Environment Act, which extend the right of leave of absence in the event of pregnancy and childbirth, adoption and where a child or childminder is ill.

The Committee has also noted that four weeks of the total cash benefit period for parental leave awarded in the case of maternity have been reserved for the father, on condition that he stays at home to care for the child. Recalling that this initiative was based on a recommendation of the Working Party for the Role of the Male (which concluded that men's increased engagement in caring for small children ought to be an important policy aim for the future), the Committee would be grateful if the Government would continue to supply information concerning the implementation of measures consistent with this goal.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1994

Norway (ratification: 1959)

1. In its previous direct requests, the Committee noted that under section 2 of the Worker Protection and Working Environment Act, No. 4/1977, which contains guarantees against discrimination in employment, workers in certain sectors of activity (seagoing navigation, hunting and fishing, including the treatment on board of the produce of fishing, and military aviation) are excluded from the scope of this Act. The Committee takes note of the information furnished by the Government that workers in seagoing navigation are protected under the Seamen's Act No. 18 of 30 May 1975 as amended in 1985. Noting, however, that Act No. 18/1975 does not contain provisions prohibiting discrimination on grounds other than sex, the Committee repeats its request to the Government to take measures to ensure that workers outside the scope of Act No. 4/1977 are protected against acts of discrimination on all the grounds listed in Article 1, paragraph 1(a), of the Convention. The Committee also requests the Government to specify in its next report how workers in the other sectors of activity not covered by Act No. 4/1977 (those employed in hunting and fishing, including the treatment on board of the produce of fishing, and military aviation) are protected against discrimination in employment.

The Committee notes that the Government has not indicated whether an exemption from coverage under the Equality Between the Sexes Act, No. 45/1978, has been made pursuant to its section 2. It therefore again asks the Government to indicate whether an exemption has been made and to supply the reasons for any such action.

2. The Committee notes that the Norwegian International Ships Register (NIS) Act, No. 48 of 12 June 1987, entered into force on 1 July 1987. Noting that section 6 thereof provides for collective agreements to fix the terms of pay and employment and other working conditions on ships in this register and that collective agreements may be concluded with Norwegian or foreign trade unions, the Committee recalls that specific problems may arise in connection with equal treatment if persons with comparable qualifications and performing work of equal value, especially on the same ship, may be subject to different conditions of employment, and particularly different remuneration. The Committee recalls that the Convention requires the protection of foreign nationals against any form of discrimination, based not on their foreign nationality but on any of the grounds provided for in Article 1, paragraph 1(a), of the Convention. The Committee therefore requests the Government to supply full information, including the text of collective agreements covering ships registered in the Norwegian International Ships Register so as to enable the Committee to ascertain that, beyond residence and nationality, no discrimination is involved, directly or indirectly, on any of the grounds prohibited by the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1994

Norway (ratification: 1959)

The Committee notes the Government's report for the period ending 30 June 1992 and the comments of the Confederation of Norwegian Business and Industry (NHO) on the application of the Convention which were transmitted by the Government.

1. The Committee notes that, according to the NHO, reported differences in male and female wages should be viewed in the light of wages paid in positions held mainly by men and in positions held mainly by women rather than as differentials in male and female pay for the same job, which is not a problem in Norway. The NHO considers that the real problem is that positions employing mainly women pay lower wages than jobs where mainly men work and that women may experience more obstacles than men in advancing to higher positions. The Government reports that, despite the large increase of women in employment (slightly less than half the workforce in the first half of 1992 being female), and the fact that the proportion of women studying typically male-dominated subjects has risen, occupational segregation continues. The Committee welcomes the Government's efforts to overcome this, for example through the measures taken by the labour market services to help widen women's choice of occupation, the appointment of special labour advisory officers to all county employment offices, the JOB-PROFILE project and the continuation of other measures already notified in earlier government reports. It asks the Government to supply information on the results obtained by these measures in bringing equality to the gender-divided labour market and, in particular, to indicate any developments in this connection arising from the government White Paper on equality between the sexes described in the annex to the Government's report. It also refers in this connection to the observation made this year under Convention No. 100.

2. Regarding the effect given to the 1983 recommendation of the committee set up under article 24 of the ILO Constitution, which had requested measures to be taken to remove any inconsistency between section 55A of the Worker Protection and Working Environment Act, No. 45/1977 and Article 1, paragraph 2, of the Convention, the Committee notes that the parliamentary committee created to examine the relationship between the two provisions decided, in 1992, that no contradiction between them existed. The parliamentary committee asked that the question of the amendment of section 55A be taken up again if it should appear that it conflicts with the Convention.

The Committee recalls the obligation of member States of the ILO under article 19(5)(d) of the Constitution to "take such action as may be necessary to make effective the provisions" of a ratified Convention. This is an obligation to make the provisions of the Convention effective in law and in fact. It is therefore necessary, but not sufficient that the provisions of the law should comply with the requirements of the Convention. It is equally important that the provisions of the law should be fully and strictly applied in practice. In the present case, the Committee recalls that, under Article 1, paragraph 2, of the Convention, certain criteria may be brought to bear as inherent requirements of a particular job, but they may not be applied to all jobs in a given occupation or sector of activity. Thus, as pointed out in paragraph 126 of the 1988 General Survey on Equality in Employment and Occupation, systematic application of requirements involving one or more of the grounds of discrimination envisaged by the Convention, to a category of

persons defined by their status or employment in an enterprise, irrespective of the aptitude of those persons to carry out the tasks assigned to them, does not correspond to the inherent requirements of a particular job. In paragraph 127 of the General Survey it was emphasized that criteria such as political opinion, national extraction and religion may be taken into account in connection with the inherent requirements of certain posts involving special responsibilities, but that if carried beyond certain limits, this practice comes into conflict with the provisions of the Convention.

The Committee accordingly urges the Government to keep section 55A under review in the light of the 1983 recommendation that it be worded, interpreted and applied in such a manner as to be in conformity with the Convention and, in particular, so that it does not permit discrimination on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin except "in respect of a particular job based on the inherent requirements thereof", as required by Article 1, paragraph 2, of the Convention. The Committee requests the Government to provide information in its next report on any developments in this respect.

3. The Committee is addressing a direct request to the Government on certain other points.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Norway (ratification: 1959)

With reference to its previous comments, the Committee notes the detailed information supplied by the Government in its report.

Article 3

1. As concerns the new wage determination system for the public sector, the Committee notes the Government's description of its apparently more flexible approach with regard to assessing the relative value of different jobs and meeting the demands of both the employer and the employee at the same time. It also notes that the new system is being tried out in various governmental undertakings. The Committee asks the Government to keep it informed in its next report of the practical impact of this new system as assessed by the Government's monitoring.

2. The Committee notes the Government's interest in investigating whether job evaluation is working as a strategy for achieving equal pay and its statement that a working group to establish comprehensive guidelines on the utility of job evaluation in the achievement of equal pay is to be appointed in Autumn 1993. The Committee would like to receive information on the findings of the working group.

Article 4

3. As regards the equal status agreements concluded between employers and workers in the private sector, the Committee notes that there has been little progress in recent years despite the fact that the research project, which covered nine enterprises, concluded that their job evaluations were a suitable instrument in a pay equity strategy. It would like to receive information on the outcome of the conference that was planned for Autumn 1993 and which was to deal with ways to link strategies for pay equality to organizational development within firms. It would also like to receive information on the content and the outcome of the project "Women and Economy", mentioned in the Government's report, as successfully meeting the needs of many women.

As concerns the local government agreements, the Committee requests the Government to provide information on the content of the guidelines for job evaluation that have been agreed on by the parties representing municipalities and counties, as well as of the outcome of the work of the committee of representatives of local government, which is due to conclude its work in 1993.

4. The Committee notes with interest the statistics on the earnings of full-time employees, which show a higher increase in the annual increments for women than for men in the last decade, and a drop to a differential of less than 10 per cent in local government and schools; but which at the same time show that the acceleration towards pay equity, after a period of general stagnation in the late 1980s, is slowing down. For example, it notes the high wage gap which continues in insurance (28.2 per cent in 1992) and the health sector (22 per cent for 1988). Noting the Government's explanations for the continuing disparities (pay supplements/bonuses are higher for men; management positions in female-dominated jobs are paid less than in male-dominated jobs; women's work is subject to a more uniform pay level than men's work) and their

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possible causes, the Committee would appreciate receiving, in future reports, similar detailed statistics and analyses.

The Committee asks the Government to provide, if possible, statistics on wage differentials by sector also taking into account the earnings of part-time workers.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Norway (ratification: 1959)

The Committee notes with interest the detailed information provided in the Government's report.

1. It notes, in particular, the statement according to which a report on a new equal pay strategy had been submitted to the Storting by the Government which would enable better fulfilment of the aims of the Convention. This new strategy stresses occupational segregation as the major factor in explaining the sex-based wage differentials and suggests a more direct and comprehensive approach to equal pay, consisting of various proposals for amendment of the present legislation, such as:

- an amendment of the Equal Pay Act in order to clarify the concept of "work of equal value" in its section 5 by setting criteria for work value assessment, thus emphasizing objective values such as the skill, the effort and the responsibility required for the performance of a specific job and the conditions under which the job is performed;

- an amendment of section 14 of the Act prescribing the conditions for bringing a case before the Labour Disputes Court (which is at present reserved for labour market organizations) so as either to grant the Equal Status Ombud authority to bring a case before the Labour Disputes Court or to give the Ombud a mandate to require a party to use that possibility, or to allow the Appeals Board to take decisions on the validity of collective agreements; and

- an amendment of the Act in order to reverse the burden of proof in cases of complaints under sections 4 and 5.

Noting that bills will be before the Storting on these amendments in Autumn 1994, the Committee asks the Government to keep it informed of the outcome of the debates on these proposed amendments. It hopes to receive a copy of the amending Act when passed, as well as to be kept informed on any other measures of implementation envisaged.

2. The Committee also notes the proposal of the Equal Status Ombud to amend the Equal Pay Act so as to require stronger proof for accepting "market value" as a criterion for wage determination. According to decisions from the Appeals Board, market value makes it possible for employers to give a higher salary to an employee as remuneration for skills that are not specifically required for the job, and the Committee notes from several decisions summarized in the Government's report that challenges to the payment of higher salaries to men have been lost on this ground. The Committee would like to be kept informed of any developments in this regard, particularly in view of the proposal to reverse the burden of proof in equal pay cases.

3. The Committee notes the programme on the development of pay and working conditions in female-dominated jobs which highlights the structural and individual barriers to equal pay. It also notes the steps taken within the Nordic framework and the public information booklet describing the project "Equal Pay for Women and Men in the Nordic Countries" which gives information on recent debates on equal pay subjects. Noting that the project will conclude in 1994 with a report outlining equal pay strategies and measures, the Committee would be grateful to receive a copy of the report.

4. The Committee is addressing a direct request to the Government on certain other points.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

PERU

Relevant ILO Conventions ratified by Peru:[1]

Peru has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Night Work (Women) Convention, 1919 (No. 4) (ratified in 1945);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1945);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1960);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1970);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1967);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1956;
- Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ratified in 1994);

Information available to the ILO

1. Equality of remuneration

The 1994 direct request of the Committee of Experts under Convention No. 100 indicates some difficulties of implementation, including the limited scope of application given to the principle of the Convention and the constant and substantial wage gap between women and men.

2. Equality in Employment

The 1994 comments of the Committee of Experts on the application of Convention No. 111 indicate that women have a low level of skills and are affected by substantial underemployment. Since Peru's second periodic report on the CEDAW (published in June 1991), the Government has established a sectoral commission of women officials of the Ministry of Labour with responsibility for revising legal provisions relating to women

[1] Peru has not ratified the following relevant ILO Conventions: Nos. 3, 89, 103, 142, 171

workers. The 1994 direct request encourages the Government to provide full information on the work of this commission and on other measures to promote equality of opportunity and treatment for women workers.

3. Employment Policy

Information provided by the Government under Convention No. 122 confirms the current concern over the high proportion of women workers affected by underemployment. The 1994 observation of the Committee of Experts recalls to the Government the importance of promoting a fair distribution of the social costs and benefits of structural adjustment, in order to ensure the effectiveness of employment policy.

PERU

Convention		Ratification registered
C.1	HOURS OF WORK (INDUSTRY) CONVENTION, 1919	08.11.45
C.4	NIGHT WORK (WOMEN) CONVENTION, 1919	08.11.45
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	04.04.62
C.9	PLACING OF SEAMEN CONVENTION, 1920	04.04.62
C.10	MINIMUM AGE (AGRICULTURE) CONVENTION, 1921	01.02.60
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	08.11.45
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	04.04.62
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	08.11.45
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	08.11.45
C.20	NIGHT WORK (BAKERIES) CONVENTION, 1925	04.04.62
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	04.04.62
C.23	REPATRIATION OF SEAMEN CONVENTION, 1926	04.04.62
C.24	SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927	08.11.45
C.25	SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927	01.02.60
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	04.04.62
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	04.04.62
C.29	FORCED LABOUR CONVENTION, 1930	01.02.60
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932 [1]	04.04.62
C.35	OLD-AGE INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	08.11.45
C.36	OLD-AGE INSURANCE (AGRICULTURE) CONVENTION, 1933	01.02.60
C.37	INVALIDITY INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	08.11.45
C.38	INVALIDITY INSURANCE (AGRICULTURE) CONVENTION, 1933	01.02.60
C.39	SURVIVORS' INSURANCE (INDUSTRY, ETC.) CONVENTION, 1933	08.11.45
C.40	SURVIVORS' INSURANCE (AGRICULTURE) CONVENTION, 1933	01.02.60
C.41	NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934	08.11.45
C.44	UNEMPLOYMENT PROVISION CONVENTION, 1934	04.04.62
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	08.11.45
C.52	HOLIDAYS WITH PAY CONVENTION, 1936	01.02.60
C.53	OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936	04.04.62
C.55	SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936	04.04.62
C.56	SICKNESS INSURANCE (SEA) CONVENTION, 1936	04.04.62
C.58	MINIMUM AGE (SEA) CONVENTION (REVISED), 1936	04.04.62
C.59	MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937	04.04.62
C.62	SAFETY PROVISIONS (BUILDING) CONVENTION, 1937	04.04.62
C.67	HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1939	04.04.62
C.68	FOOD AND CATERING (SHIPS' CREWS) CONVENTION, 1946	04.04.62
C.69	CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946	04.04.62
C.70	SOCIAL SECURITY (SEAFARERS) CONVENTION, 1946	04.04.62
C.71	SEAFARERS' PENSIONS CONVENTION, 1946	04.04.62
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	04.04.62

[1] Convention denounced as a result of the ratification of Convention No. 152.

PERU

Convention		Ratification registered
C.77	MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946	04.04.62
C.78	MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	04.04.62
C.79	NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	04.04.62
C.80	FINAL ARTICLES REVISION CONVENTION, 1946	04.04.62
C.81	LABOUR INSPECTION CONVENTION, 1947	01.02.60
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	02.03.60
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	06.04.62
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	04.04.62
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	13.03.64
C.99	MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951	01.02.60
C.100	EQUAL REMUNERATION CONVENTION, 1951	01.02.60
C.101	HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952	01.02.60
C.102	SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952 [2]	23.08.61
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	06.12.60
C.106	WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957	11.07.88
C.107	INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957 [3]	06.12.60
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	10.08.70
C.112	MINIMUM AGE (FISHERMEN) CONVENTION, 1959	04.04.62
C.113	MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959	04.04.62
C.114	FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959	04.04.62
C.122	EMPLOYMENT POLICY CONVENTION, 1964	27.07.67
C.139	OCCUPATIONAL CANCER CONVENTION, 1974	16.11.76
C.151	LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION, 1978	27.10.80
C.152	OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979	19.04.88
C.156	WORKERS WITH FAMILY RESPONSIBILITIES CONVENTION, 1981	16.06.86
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	16.06.86
C.169	INDIGENOUS AND TRIBAL PEOPLES CONVENTION, 1989	02.02.94

[2] Parts II, III, V, VIII and IX. Pursuant to Article 3, paragraph 1, of the Convention, the Government has availed itself of the temporary exceptions provided for in Articles 9(d); 12(2); 15(d); 18(2); 27(d); 48(c); and 55(d).

[3] Convention denounced as a result of the ratification of Convention no. 169.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Peru (ratification: 1960)

1. Further to its previous direct request, the Committee notes that the Government repeats its statement that equal remuneration for men and women workers, as set out in article 43(II) of the Constitution, namely "for equal work performed under identical conditions for the same employer", is more detailed and clearer than the terms of the Convention. The Committee recalls that in accordance with the Convention, equal remuneration has to apply to work of equal value, even if it is of a different nature or performed under different conditions and for different employers. In paragraph 138 of its 1986 General Survey on Equal Remuneration, the Committee emphasized that this concept "necessarily implies the adoption of some technique to measure and compare objectively the relative value of the jobs performed". While noting the Government's statement that the draft text of the new Constitution contains provisions guaranteeing the equality of all persons before the law and providing protection against any form of discrimination, the Committee trusts that the Government will take the necessary measures to include in this draft text a provision to establish equal remuneration for men and women workers for work of equal value, in accordance with Article 1, paragraph 2, of the Convention, since section 43(II) of the Constitution in its current form is much more limited in scope. It requests the Government to keep it informed of the coming into force of the new Constitution, which was approved by referendum on 31 October 1993.

2. The Committee notes the detailed statistical tables supplied by the Government. With regard to the remuneration scales in the public service, the Committee would be grateful if the Government would supply in its next report information on the wages actually received and the distribution of men and women at the various levels.

The Committee notes from the statistics on wages in the private sector that the average wage of men is nearly always very much higher than that of women, with differences which are sometimes very wide (basic industries, agriculture, retail). These differences are on average a little higher in sectors which are not governed by collective agreements (44 per cent for wage-earners and 38 per cent for managerial staff and salaried employees) than in sectors which are covered by collective agreements (27 per cent and 32 per cent respectively). The Committee considers that substantial differences in the remuneration of men and women workers which are found constantly in all occupations and sectors reflect inequalities which have their origins in discrimination on the basis of sex. It would therefore be grateful if the Government would indicate the measures which it envisages taking to remedy this situation of inequality in respect of women. It also requests the Government to keep it informed of developments in the situation and to continue to supply information on wages and on any measure intended to promote equal remuneration for men and women workers for work of equal value.

3. The Committee also notes the information supplied by the Government concerning the activities of the labour inspection services and the relevant legal proceedings. It requests the Government to continue to supply detailed information on the violations reported in the field covered by the Convention, the penalties imposed and the rulings handed down by the courts.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1994

Peru (ratification: 1970)

The Committee notes the Government's report and the information which it contains on the application of the Convention.

1. With regard to the situation of women, the Committee notes the statistics provided which show in particular that women are affected by substantial underemployment and a low level of skills (which is tending to improve), and that their participation rate in economic activity decreased between 1990 and 1991.

However, it notes with interest the adoption of Ministerial Decision No. 167-92-TR of 16 July 1992, which establishes a sectoral commission of women officials of the Ministry of Labour with responsibility for revising the legal provisions relating to women workers. The Committee would be grateful if the Government would supply detailed information on the work of this commission and on any measures which are taken to promote equality of opportunity and treatment in respect of women in employment and which lead to improvements in the situation, and particularly any which give effect to the recommendations of the workshop on policies for the promotion of women and their rights (organized by the Special Committee on Women's Rights), such as:

(i) the implementation of a policy on services adapted to women's needs, to lighten the burden of the work traditionally assigned to women so that they can have access to employment;

(ii) the promotion of women's participation in both the private and public sectors; and

(iii) the implementation of an education policy for women and the promotion of women's technical and higher training for employment.

2. The Committee notes the practical measures adopted by the new Government to promote employment in general within the framework of the national employment policy established by Act No. 728 of 8 November 1991, the first section of which refers to the promotion of equality of opportunity in respect of employment. It also notes the activities undertaken to create employment, particularly within the framework of vocational training programmes for the young and the promotion of self-employment and small enterprises (PRODAME). It requests the Government to continue supplying information on the concrete results achieved by this policy and these programmes, and in particular on the manner in which they apply the principles set out in the Convention.

3. The Committee takes due note of the legal provisions which ensure equality of access of men and women to the ownership of land. It requests the Government to supply in its next report a copy of Legislative Decree No. 653 to issue the Act respecting the promotion of investment in the agricultural sector.

4. With reference to its previous comments, the Committee recalls that the Court of Constitutional Guarantees had been asked to supply information concerning the appeals submitted to it against decisions issued by the administrative labour authorities by persons who consider that they have been

subjected to discriminatory decisions. The Committee hopes that the Government will be able to supply this information with its next report.

Convention No. 122: Employment Policy, 1964

Observation 1994

Peru (ratification: 1967)

1. In its 1993 observation, the Committee said that it would postpone examination of the Government's report received in February 1993. The Committee notes the information, which is closely linked to employment policy, contained in the Government's reports on the application of the Unemployment Provision Convention, 1934 (No. 44) and of the Employment Service Convention, 1948 (No. 88) (see the observations of 1993 and 1994, respectively, on these Conventions).

2. In its report on the application of Convention No. 122, the Government refers to the adoption in November 1991 of the Employment Promotion Act to which the Committee had already referred (see point 2 of the 1992 observation) as being the principal aspect of structural reforms. The Government states that it has made employment an explicit objective of economic policy and stresses that it is concerned with the employment of the least-protected categories of the population. The Government recalls the economic circumstances in 1990-91 which led it to adopt a stabilization and structural adjustment programme which includes restrictive budgetary and monetary policy measures, the liberalization of international trade, and making the world of work more flexible. The Government states that the above circumstances affected employment in terms of the level of absorption and utilization of manpower. The Committee notes from the available statistics for Lima that only 15 per cent of the active population have suitable employment, and that 75 per cent are affected by underemployment, the remaining 10 per cent being unemployed. The situation is particularly worrying for women workers, young people in the 14 to 24 age group and older workers of over 45 years. The negative effects of structural adjustment on employment and incomes have already been commented on by the General Confederation of Peruvian Workers (CGTP) in its communication of 1992 referred to in the Committee's previous observation. The Committee refers to part IX of the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) and reminds the Government of the objective of promoting a fair distribution of the social costs and benefits of structural adjustment, in order to ensure the effectiveness of employment policy. With reference to its previous assessments and comments, the Committee is bound once again to express the hope that the Government will continue to make every effort to declare and pursue, "as an essential objective", an "active" employment policy within the framework of a coordinated economic and social policy (Articles 1 and 2 of the Convention). The Committee notes in this connection that the new political Constitution of Peru, promulgated in December 1993, establishes that "work is a duty and a right", and "the basis of social wellbeing and a means of personal fulfilment" (article 2), and that "the State shall promote conditions for social and economic progress, in particular, by means of policies to promote productive employment and education (article 23(2)). The Committee notes that the Act of November 1991 and its regulations (adopted in April 1993), contain a set of measures to promote employment and vocational training, particularly for young people, and would be grateful if the Government would provide detailed information with its next report on programmes implemented under the new legislation and the results obtained. The Government states that these programmes are limited for the time being because of the economic recession. With regard to the measures to make the labour market more flexible, which constitute a large section of the measures set out in the Employment Promotion Act (and which the CGTP criticizes in the above-mentioned communication), the Committee would like to draw the

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Government's attention to certain provisions of related international labour instruments that provide for the protection of workers against the use of contracts which aim to avoid the protection prescribed by the legislation (see Article 2, paragraph 3, of Convention No. 158 and Paragraph 3 of Recommendation No. 166, concerning termination of employment, 1982) - both of which are referred to in the 1991 presentation of the objectives of the Employment Promotion Act.

3. With its report, the Government provides data from the household survey conducted in Lima which accounts for 28.7 per cent of the population of the country. The Committee asks the Government to provide information in its next report on the measures taken to collect and analyse information and statistical data on not only the urban but also the rural and national labour markets, which are necessary, as Recommendation No. 122 recalls, as a basis for the general and specific measures to be taken within the framework of the employment policy. It hopes that the Government will be able to provide information in its next report on regional, social and economic plans and programmes to promote employment, and on the situation, level and trends in employment in the other departments of the country.

4. In its 1993 observation, the Committee noted the comments made by workers' organizations, expressing concern at the deterioration in the labour market, employment policies and the difficulties of social dialogue. With reference to the points already raised, the Committee would be grateful if in its next report, the Committee would provide information, in connection with Article 3 of the Convention, on how representatives of the persons affected, particularly representatives of employers and workers, are consulted on employment policy, indicating, in particular, whether such consultations are extended to representatives of other sectors of the active population such as the rural and informal sectors. With regard to the purpose of such consultations, the Committee recalls that the Convention provides that representatives of those affected "shall be consulted [...] with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such [employment] policies".

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

RUSSIAN FEDERATION

Relevant Conventions ratified by the Russian Federation:[1]

The Russian Federation has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1961);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1956);
- Maternity Protection Convention, 1952 (No. 103) (ratified in 1956);
- Discrimination (Employment and Occupation) Convention, 1958 (No.111) (ratified in 1961);

Information available to the ILO

1. Equality of Remuneration

Since the third periodic report on the CEDAW by the then USSR (published September 1991), the Committee of Experts has noted a move away from centralized wage-fixing to allowing enterprises a certain amount of independence in establishing their own forms, systems and amounts of remuneration. It is hoped that the Government will provide information in its future reports on the application of Convention No. 100 sufficient to enable the Committee of Experts to determine how such changes have affected the implementation of the principle of equal pay for work of equal value.

2. Equality in Employment

The 1993 observation and direct request of the Committee of Experts on the application of Convention No. 111 reflect the continuing process of change since 1991. Of particular interest for the present purpose, is the suggestion that the Government might consider the establishment of an official programme to improve equality for women, encompassing equality for women workers with family responsibilities.

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[1] The Russian Federation has not ratified the following relevant ILO Conventions: Nos. 3, 4, 89, 156, 169, 171

3. Employment Policy

The Committee of Experts noted, in its direct request of 1993, that an Act of 19 April concerning employment included the objective of equal policy. Information is sought on the implementation of employment policies in the context of increasingly high rates of unemployment and underemployment.

RUSSIAN FEDERATION

Convention		Ratification registered
C.10	MINIMUM AGE (AGRICULTURE) CONVENTION, 1921 [1]	10.08.56
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	10.08.56
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	10.10.91
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	22.09.67
C.15	MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921 [2]	10.08.56
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	10.08.56
C.23	REPATRIATION OF SEAMEN CONVENTION, 1926	04.11.69
C.27	MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929	04.11.69
C.29	FORCED LABOUR CONVENTION, 1930	23.06.56
C.32	PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932	04.11.69
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	04.05.61
C.47	FORTY-HOUR WEEK CONVENTION, 1935	23.06.56
C.52	HOLIDAYS WITH PAY CONVENTION, 1936	10.08.56
C.58	MINIMUM AGE (SEA) CONVENTION (REVISED), 1936 [3]	10.08.56
C.59	MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937 [4]	10.08.56
C.60	MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION (REVISED), 1937 [5]	10.08.56
C.69	CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946	04.11.69
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	04.11.69
C.77	MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946	10.08.56
C.78	MEDICAL EXAMINATION OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	10.08.56
C.79	NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946	10.08.56
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	10.08.56
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	10.08.56
C.92	ACCOMMODATION OF CREWS CONVENTION (REVISED), 1949	04.11.69
C.95	PROTECTION OF WAGES CONVENTION, 1949	04.05.61
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	10.08.56
C.100	EQUAL REMUNERATION CONVENTION, 1951	30.04.56
C.103	MATERNITY PROTECTION CONVENTION (REVISED), 1952	10.08.56
C.106	WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957	22.09.67
C.108	SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958	04.11.69
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	04.05.61
C.112	MINIMUM AGE (FISHERMEN) CONVENTION, 1959 [6]	04.05.61

1 Convention denounced as a result of the ratification of Convention No. 138.

2 Convention denounced as a result of the ratification of Convention No. 138.

3 Convention denounced as a result of the ratification of Convention No. 138.

4 Convention denounced as a result of the ratification of Convention No. 138.

5 Convention denounced as a result of the ratification of Convention No. 138.

6 Convention denounced as a result of the ratification of Convention No. 138.

RUSSIAN FEDERATION

Convention		Ratification registered
C.113	MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959	04.11.69
C.115	RADIATION PROTECTION CONVENTION, 1960	22.09.67
C.116	FINAL ARTICLES REVISION CONVENTION, 1961	04.11.69
C.119	GUARDING OF MACHINERY CONVENTION, 1963	04.11.69
C.120	HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964	22.09.67
C.122	EMPLOYMENT POLICY CONVENTION, 1964	22.09.67
C.123	MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 [7]	04.11.69
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	04.11.69
C.126	ACCOMMODATION OF CREWS (FISHERMEN) CONVENTION, 1966	04.11.69
C.133	ACCOMMODATION OF CREWS (SUPPLEMENTARY PROVISIONS) CONVENTION 1970	27.08.90
C.134	PREVENTION OF ACCIDENTS (SEAFARERS) CONVENTION, 1970	05.10.87
C.138	MINIMUM AGE CONVENTION, 1973 [8]	03.05.79
C.142	HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	03.05.79
C.147	MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976	07.05.91
C.148	WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977	03.06.88
C.149	NURSING PERSONNEL CONVENTION, 1977	03.05.79
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	03.06.88
C.160	LABOUR STATISTICS CONVENTION, 1985 [9]	27.08.90

[7] Convention denounced as a result of the ratification of Convention No. 138.

[8] Minimum age specified: 16 years.

[9] Acceptance of Articles 7 to 10 of Part II has been specified pursuant to Article 16, paragraph 2, of the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1993

Russian Federation (ratification: 1961)

1. (i) The Committee notes that the Law of the Russian Federation Amending and Supplementing the Labour Code of the RSFSR, dated 25 September 1992, amends section 16 of the Labour Code to provide that any direct or indirect restriction of rights and any direct or indirect establishment of advantages in employment based on sex, race, nationality, language, social origin, material status, place of residence, religious convictions, membership in social organizations or other grounds which are unrelated to the performance of the work, are prohibited. The Committee thus observes that the Labour Code, as amended, covers the grounds of discrimination set out in Article 1, paragraph 1(a), of the Convention with the exception of political opinion. The Committee further notes that the Law on Population Employment in the Russian Federation, as modified by Decree No. 3306-1 of the Supreme Soviet of the Russian Federation, dated 15 July 1992, provides, in section 5, that state policy in the field of employment shall be directed at ensuring equal opportunities to all citizens irrespective of nationality, sex, age, social status, political convictions and religious attitudes in exercising their right to work and free choice of employment, thus covering the grounds of discrimination listed in Article 1, paragraph 1(a), with the exception of race.

(ii) In previous observations, the Committee had noted the repeal of provisions referring to the leading role of the Communist Party and provisions imposing political and ideological requirements for selection to employment. While noting that ensuring equal opportunities on the grounds of, inter alia, political opinion is stated as a national policy directive in the above-mentioned Law, it observes that no provision appears to create binding obligations against discrimination on the basis of political opinion in terms of access to employment. The Committee therefore hopes that the Government will be able to report in the near future that the Labour Code has been amended to include political opinion as a prohibited ground of discrimination.

(iii) The Committee would also be grateful if the Government would provide information on the measures taken to ensure that the promotion of equal opportunity in state policy pursuant to the provisions of the Law on Population Employment in the Russian Federation is also directed at persons belonging to different racial groups.

2. Noting that the Russian Federation is still in the process of elaborating a Constitution, the Committee trusts that due consideration will be given to the requirements of the Convention in the new Constitution.

3. The Committee is raising other points in a request addressed directly to the Government.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1993

Russian Federation (ratification: 1961)

Further to its observation, the Committee, noting that the Government's report contains no information in reply to its previous direct request, wishes to make the following comments:

1. The Committee notes that the Law of the Russian Federation Amending and Supplementing the Labour Code, dated 25 September 1992, supplements section 16 of the Code to provide that distinctions, exclusions, preferences and restrictions in employment which are appropriate to the conditions of certain work or which correspond to the particular needs of the State to take measures for persons requiring greater legal and social protection are not considered to constitute discrimination. It would be grateful if the Government would provide information on the meaning of the exception concerning measures that would be appropriate to the conditions of work and the types of measures that would be covered by this exception.

2. Noting the enabling provisions for supervisory authorities and liability for breach of employment legislation, set out in sections 41 to 44 in the Basic Principles Law on Population Employment, as modified by Decree No. 3306-1 of 15 July 1992, the Committee requests the Government to indicate the manner in which the application of the legislation is supervised and enforced, including any sanctions that may be imposed.

3. The Committee refers to its previous comments concerning Decree No. 531 of 26 July 1973 of the USSR Council of Ministers and Order No. 153 of 5 March 1987 and hopes that the next report of the Government will be able to report that measures have been taken to bring these texts into full conformity with the provisions of the Convention.

4. (i) With reference to the parliamentary hearings held on the practical implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the adoption of a decision aimed at ensuring equality of employment and occupational opportunity, the Committee requests the Government to indicate the measures taken to implement the above decision including the collection and publication of statistics which would ensure a fair analysis of the position of women in employment and to supply copies of such statistics with its next report. It further requests the Government to supply information on the relative proportion of men and women at various levels of responsibility in different sectors of activity.

(ii) The Committee recalls that an official programme to improve the situation of women and families with a view to eliminating inequalities between male and female workers with family responsibilities was under study. It would be grateful if the Government would indicate the results of this study and whether such a programme has been established.

(iii) The Committee must reiterate its request to provide information on the policies, programmes or any other measures taken to prevent discrimination and to promote equality of opportunity and treatment between men and women in employment and occupation and on the results obtained in respect of access to vocational training and retraining, access to and security of employment, and terms and conditions of employment, particularly in light of the adjustments taking place in the economy of the Russian Federation.

5. The Committee once again reiterates its request for information on the policies and programmes currently being pursued to promote equality of opportunity and treatment in employment and occupation irrespective of race, religion or national extraction.

6. The Committee requests the Government to continue to provide information on any other measures taken, or contemplated, particularly within the framework of the new Federation and the reforms in the country's institutions and economic system, which directly or indirectly affect equality of opportunity and treatment in employment as provided for in the Convention and any measures that have been taken by the republics (territories) in this regard.

Convention No. 122: Employment Policy, 1964

Direct request 1993

Russian Federation (ratification: 1967)

1. The Committee took note of the Government's report. It has also taken account of the relevant information contained in the Government's report on the application of Convention No. 142, on which it is also commenting. However, the brief general information supplied by the Government in its report on Convention No. 122 is not adequate for the Committee to ascertain the effect given to this Convention.

2. The Committee has noted recent studies or surveys of the ILO indicating that the staff of enterprises were cut back by approximately 15 per cent between January 1990 and July 1992, and that unemployment or underemployment may have affected 10 million persons by the end of 1992. As it has indicated in its previous reports, the Committee wishes to follow closely the application of the Convention in countries that are moving towards a market economy, and particularly in Russia. The Committee is bound to stress the need for detailed information to be supplied on employment policies which are being implemented in such a difficult context. Further to its previous direct request, it trusts that the Government's next report will contain full information in reply to each of the questions in the report form.

3. The Committee also notes the provisions of the Act of 19 April 1991 respecting the employment of the population. It notes with interest that the fundamental principles of the employment policy, which are set out in the above Act, include the objectives of equal opportunity and the free choice of employment, in accordance with the provisions of Article 1, paragraph 2(c), of the Convention. The Committee also notes that, under the terms of the Act, measures taken in the area of employment must be coordinated with the other objectives of economic and social policy. In this connection, it would be grateful if the Government would state in its next report the way in which the objective of full, productive and freely chosen employment is taken into consideration in determining the pace and nature of measures to be taken for the transition towards a market economy. Please indicate, in particular, how measures in the areas of prices, wages and incomes policies and investment and foreign trade policies are coordinated with employment policy.

4. The Committee further notes that section 5 of the Act of 19 April 1991 provides for the cooperation of trade unions and employers' associations in the preparation, implementation and supervision of the enforcement of measures to ensure employment. However, it observes that while section 21 of the Act entitles trade unions to participate in the formulation of employment policy and the relevant legislation, no similar entitlement is expressly established for employers' organizations. Moreover, the participation of employers' organizations in the regular consultations on employment problems is not provided for in the Act. The Committee recalls in this connection that under Article 3 of the Convention representatives of the persons affected, and particularly representatives of employers and workers, must be consulted concerning employment policies "with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies". It would be grateful if in its next report the Government would describe the practical procedures for the consultation of the representatives of all persons affected.

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

TUNISIA

Relevant ILO Conventions ratified by Tunisia:[1]

Tunisia has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Night Work (Women) Convention, 1919 (No. 4) (ratified in 1957);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1957);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1957);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1968);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1959);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1970);
- Human Resources Development Convention, 1975 (No.142) (ratified in 1989);

Information available to the ILO

1. Equal Remuneration

The 1994 direct request of the Committee of Experts on the application of Convention No. 100 emphasizes the need for the Government to provide information which would enable the Committee to determine how, and to what extent, the principle of equal pay for work of equal value is applied in practice.

2. Equality in Employment

The 1993 direct request of the Committee of Experts on the application of Convention

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[1] Tunisia has not ratified the following relevant ILO Conventions: Nos. 3, 103, 156, 169, 171

No. 111 has noted with some optimism that various measures have been initiated by the Government with the aim of strengthening women's role in productive activities, improving training for women and eliminating discrimination in employment. As yet, no information is available to assess whether these measures are meeting their objectives. Among the measures announced by the Government, it is interesting to note the intention to ratify the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89). The 1990 Protocol allows for variations in the duration of the night period and permits exemptions from the prohibition on night work for women. This action, together with measures to remove other legislative impediments to women's access to various trades and occupations, may signal a new approach in the Government's policy towards women, particularly as concerns protective measures.

3. Employment Policy

As in the case of Convention No. 111 above, the Government has announced, a variety of measures taken under Convention No. 122 to promote development, with a particular emphasis on reducing unemployment. It is also relevant to note, under the provisions of Convention No. 142, the Government has announced its intention to develop a system of vocational training, coordinated with prospective employment opportunities.

Convention		Ratification registered
C.4	NIGHT WORK (WOMEN) CONVENTION, 1919 [1]	15.05.57
C.6	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1919 [2]	12.01.59
C.8	UNEMPLOYMENT INDEMNITY (SHIPWRECK) CONVENTION, 1920	14.04.70
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	15.05.57
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	15.05.57
C.13	WHITE LEAD (PAINTING) CONVENTION, 1921	12.06.56
C.14	WEEKLY REST (INDUSTRY) CONVENTION, 1921	15.05.57
C.16	MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921	14.04.70
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	15.05.57
C.18	WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925	12.01.59
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	12.06.56
C.22	SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926	14.04.70
C.23	REPATRIATION OF SEAMEN CONVENTION, 1926	14.04.70
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	15.05.57
C.29	FORCED LABOUR CONVENTION, 1930	17.12.62
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	15.05.57
C.52	HOLIDAYS WITH PAY CONVENTION, 1936	15.05.57
C.55	SHIPOWNERS' LIABILITY (SICK AND INJURED SEAMEN) CONVENTION, 1936	14.04.70
C.58	MINIMUM AGE (SEA) CONVENTION (REVISED), 1936	14.04.70
C.59	MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937	14.04.70
C.62	SAFETY PROVISIONS (BUILDING) CONVENTION, 1937	12.01.59
C.65	PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939	17.12.62
C.73	MEDICAL EXAMINATION (SEAFARERS) CONVENTION, 1946	14.04.70
C.77	MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946	14.04.70
C.81	LABOUR INSPECTION CONVENTION, 1947	15.05.57
C.87	FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948	18.06.57
C.88	EMPLOYMENT SERVICE CONVENTION, 1948	11.10.68
C.89	NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948	15.05.57
C.90	NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948	26.04.61
C.91	PAID VACATIONS (SEAFARERS) CONVENTION (REVISED), 1949	14.04.70
C.95	PROTECTION OF WAGES CONVENTION, 1949	28.05.58
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	15.05.57
C.99	MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951	12.01.59
C.100	EQUAL REMUNERATION CONVENTION, 1951	11.10.68
C.104	ABOLITION OF PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1955	17.12.62
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	12.01.59
C.106	WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957 [3]	28.05.58

1 Has denounced this Convention (see under Conventions Nos. 41 and 89 the States which have ratified the revised Conventions).

2 Has denounced this Convention and has ratified Convention No. 90.

3 The Convention also applies to the establishments specified in Article 3, paragraph 1.

TUNISIA

Convention		Ratification registered
C.107	INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957	17.12.62
C.108	SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958	26.10.59
C.111	DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958	14.09.59
C.112	MINIMUM AGE (FISHERMEN) CONVENTION, 1959	14.01.63
C.113	MEDICAL EXAMINATION (FISHERMEN) CONVENTION, 1959	14.01.63
C.114	FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959	14.01.63
C.116	FINAL ARTICLES REVISION CONVENTION, 1961	15.01.62
C.117	SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962	14.04.70
C.118	EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 [4]	20.09.65
C.119	GUARDING OF MACHINERY CONVENTION, 1963	14.04.70
C.120	HYGIENE (COMMERCE AND OFFICES) CONVENTION, 1964	14.04.70
C.122	EMPLOYMENT POLICY CONVENTION, 1964	17.02.66
C.123	MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 [5]	24.07.67
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	03.05.67
C.127	MAXIMUM WEIGHT CONVENTION, 1967	14.04.70
C.142	HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975	23.02.89
C.150	LABOUR ADMINISTRATION CONVENTION, 1978	23.05.88
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	05.09.89

[4] Branches (a) to (g) and (i).

[5] Minimum age specified: 18 years.

Direct request 1994

Tunisia (ratification: 1968)

The Committee notes that section 5bis of Act No. 93-66 of 5 July 1993 to amend the Labour Code explicitly lays down the principle of non-discrimination between the two sexes. It requests the Government to supply information in its next report on the penal sanctions imposed following violations of the provisions of the new section 5bis.

The Committee notes that the Government's report does not contain a reply to its previous comments. It hopes that the next report will contain full information on the points which were raised in its previous direct request, which read as follows:

1. The Committee finds that it has no recent information at its disposal from which to assess the manner in which the principle of equal remuneration for work of equal value is applied in practice. It would therefore be grateful if the Government would supply in its next report:

(i) the wage scales applicable in the public service and in public enterprises, indicating the distribution of men and women at the various levels;

(ii) the proportion of women covered by the collective agreements which are in force and the distribution of men and women at the various wage levels;

(iii) statistical data on minimum wage rates and the average earnings of men and women, if possible by occupation, branch of activity, seniority and level of qualifications, together with information on the corresponding percentage of women;

(iv) information concerning any inquiry or survey that may have been undertaken or may be contemplated in order to determine the causes of wage disparities and information concerning the measures taken or contemplated in the light of such surveys.

2. With reference to the application of the Convention in agriculture, the Committee noted the Government's statement in its previous report that the texts concerning the minimum wage in agriculture make no distinction between men and women. It would like to receive information as to how the principle of equal remuneration for men and women for work of equal value is applied in agriculture with regard to wages above the minimum, and in particular on:

(i) the rates of remuneration and occupational classifications fixed by committees on agricultural work pursuant to section 4(b) and (c) of Decree No. 71/285 of 2 August 1971 concerning committees on agricultural work;

(ii) the statistics requested in paragraph 1(iii) above; and

(iii) the activities carried out by the labour inspectorate to supervise the application of the principle of equal remuneration for men and women for work of equal value in agriculture.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1993

Tunisia (ratification: 1959)

With reference to its previous direct request, the Committee notes the information supplied by the Government in its report, and in particular the information on the objectives of the various national bodies responsible for promoting women.

1. The Committee notes with interest the establishment under Act No. 90-78 of 7 August 1990 of a research, documentation and information centre on women, and the creation of a special commission "Women and Development", in the context of the preparation of the VIIIth Economic and Social Development Plan (1992-96) which sets out a strategy for promoting women which is based essentially on strengthening their role in productive activities and improving the quantity and quality of training for women.

The Committee requests the Government to supply full information in its next report on the general methods used for the implementation of this strategy to promote women and on any positive action undertaken in practice to eliminate all forms of discrimination on the grounds set out in the Convention and, in particular, on sex, with regard to: (a) access to vocational training; (b) access to employment and to particular occupations; and (c) terms and conditions of employment. It also requests the Government to continue to supply information on activities in support of women which may be related to the provisions of the Convention and those undertaken by the research centre on women and the special commission "Women and Development", as well as any reports, studies or documents published by these bodies.

2. The Committee notes that new measures were announced by the President of the Republic on the Women and Family Day, 13 August 1992, including, in particular, the introduction of a section in the Labour Code explicitly setting out the principle of non-discrimination between men and women in the field of work; the elimination of provisions in the Code which might be considered discriminatory against women; the ratification of the ILO Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89); and the lifting by the institutions responsible for vocational training of all obstacles to women with a view to permitting them to have access to all opportunities to specialize in the various trades and occupations. The Committee requests the Government to supply information in its next report on any amendments to the Labour Code and on the progress achieved in the implementation of the other measures referred to above which are designed to eliminate any discrimination in employment and occupation on the basis of sex.

Convention No. 122: Employment Policy, 1964

Observation 1993

Tunisia (ratification: 1966)

1. With reference to its previous observation, the Committee notes with interest the Government's report, which includes a set of valuable information on the achievements of the VIIth National Economic and Social Development Plan (1987-91) in the field of employment, and the situation and recent trends on the labour market, as well as the main objectives of the VIIIth Plan with regard to employment policy. According to the data compiled in the latest national population-employment survey, the unemployment rate was 15.3 per cent of the reference active population in 1989. The considerable growth of employment, although below the forecast level, has proved insufficient to absorb the growth in the population of working age. The Government states in its report that unemployment remains a matter of concern. It continues to affect massively young persons seeking their first job and persons with a lower educational level, and it affects the sexes and the regions in an unequal manner.

2. The Government describes how, in relation with the implementation since 1986 of the structural adjustment plan, the policy of combating unemployment, which was essentially social in origin, has developed towards a more active concept of promoting the creation of employment and developing programmes for the most vulnerable categories of the population. The Government's report contains, in this connection, statistical data on the number of young persons who have benefited from employment-training contracts or a vocational integration course, as well as on the increasing number of jobs created within the framework of projects financed by the National Fund for the Promotion of Employment and Small Trades. The Committee hopes that the Government will be able to specify in its next report the extent to which these programmes have contributed to the effective and lasting integration of the persons concerned into employment. It also notes the information on the contribution of the various regional development programmes to combating employment and underemployment. The Committee would be grateful if the Government would supply any available assessment of the impact of these programmes on the employment of the categories of persons for which they are intended.

3. The Committee notes the general objectives of the employment policy set out in the VIIIth Plan (1992-96). The policy to further develop structural adjustment, the opening up to the world economy and the modernization of the means of production are aimed at promoting exports, regional development and the creation of jobs. Based on a theoretical annual growth rate of 6 per cent, the growth in the number of jobs should exceed, for the first time, that of the active population and should make it possible to lower the unemployment rate to around 13 per cent by the end of the period. The Committee will not fail to follow with interest the achievement of these objectives. It also notes that it is planned to strengthen the various specific programmes for the promotion of employment intended for the social categories which are experiencing difficulties. It notes with interest, in relation to its comments on the Government's first report on the application of Convention No. 142, the emphasis placed on the development of a system of vocational training which is coordinated with prospective employment opportunities. The Committee requests the Government to continue to supply detailed information on the results achieved in each of these fields. With reference to its previous requests, it would be grateful if the Government

would describe the manner in which representatives of the persons affected are consulted concerning employment policies, in accordance with Article 3 of the Convention. It would also be grateful if the Government would supply the relevant extracts of the VIIIth Plan (1992-96) (point VI of the report form).

Report of the International Labour Office under Article 22 of the Convention on the Elimination of all Forms of Discrimination against Women

(Fourteenth Session of CEDAW - 1995)

UGANDA

Relevant Conventions ILO Conventions ratified by Uganda:[1]

Uganda has ratified the following ILO Conventions which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1928 (No. 45) (ratified in 1963);
- Employment Policy Convention, 1957 (No. 122) (ratified in 1967);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1990);

Employment Policy

Very little information has been made available by the Government in its reports on the effect given to ILO Conventions, which could supplement that contained in Uganda's initial and second reports on the CEDAW (July 1992). The 1994 direct request of the Committee of Experts on the application of Convention No. 122 is largely self-explanatory and reflects the ILO's attempts to offer assistance to the country, both in terms of carrying out technical cooperation projects in public works, for example, and in suggesting action in line with various other relevant (often unratified) ILO Conventions, in order to guide policy measures.

[1]Uganda has not ratified the following relevant ILO Conventions: Nos. 3, 4, 89, 100, 103, 111, 142, 156, 169, 171

UGANDA

Convention		Ratification registered
C.5	MINIMUM AGE (INDUSTRY) CONVENTION, 1919	04.06.63
C.11	RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921	04.06.63
C.12	WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921	04.06.63
C.17	WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925	04.06.63
C.19	EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925	04.06.63
C.26	MINIMUM WAGE-FIXING MACHINERY CONVENTION, 1928	04.06.63
C.29	FORCED LABOUR CONVENTION, 1930	04.06.63
C.45	UNDERGROUND WORK (WOMEN) CONVENTION, 1935	04.06.63
C.50	RECRUITING OF INDIGENOUS WORKERS CONVENTION, 1936	04.06.63
C.64	CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION,1939	04.06.63
C.65	PENAL SANCTIONS (INDIGENOUS WORKERS) CONVENTION, 1939	04.06.63
C.81	LABOUR INSPECTION CONVENTION, 1947 [1]	04.06.63
C.86	CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) CONVENTION,1947	04.06.63
C.94	LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTION, 1949	04.06.63
C.95	PROTECTION OF WAGES CONVENTION, 1949	04.06.63
C.98	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949	04.06.63
C.105	ABOLITION OF FORCED LABOUR CONVENTION, 1957	04.06.63
C.122	EMPLOYMENT POLICY CONVENTION, 1964	23.06.67
C.123	MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 [2]	23.06.67
C.124	MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965	23.06.67
C.143	MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975	31.03.78
C.144	TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976	13.01.94
C.154	COLLECTIVE BARGAINING CONVENTION, 1981	27.03.90
C.158	TERMINATION OF EMPLOYMENT CONVENTION, 1982	18.07.90
C.159	VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION, 1983	27.03.90
C.162	ASBESTOS CONVENTION, 1986	27.03.90

[1] Excluding Part II.

[2] Minimum age specified: 16 years.

Convention No. 122: Employment Policy, 1964

Direct request 1994

Uganda (ratification: 1967)

The Committee notes the Government's report for the period ending June 1992 and the relevant information which it contains in reply to its previous request. It would be grateful if the Government would supply further details in its next report on the following points:

1. The Government states that a structure to collect and analyse labour market statistics has been established, but that it does not have the necessary resources to function efficiently in the context of the budgetary restrictions applied under the structural adjustment programme. Please indicate the extent to which it has been possible to overcome these difficulties, taking into account the recommendations and advice of the ILO advisory mission on this point.

2. The Committee notes the Government's statement that it has recently undertaken to formulate an integrated and dynamic employment policy to address the problems of modern manufacturing, agriculture, the informal sector and vulnerable groups such as women and persons with disabilities. The Government refers in this regard, as it did in its previous report, to the programme document entitled "The way forward III 1991-1995, human resources and employment strategy". Please supply a copy of this document. The Committee hopes that the Government will be able to indicate in its next report the employment objectives established in development plans and programmes which are being implemented or prepared, and that it will describe the mutual relationships between employment policy objectives and other economic and social objectives.

3. The Government states that, despite budgetary constraints, it is endeavouring to reactivate the employment service network. Please supply information on the number, location and activities of the employment services. In this context, the Government may wish to refer for guidance to the ILO instruments on employment services (Convention No. 88 and Recommendation No. 83).

4. The Committee notes with interest the 1989 report of the Education Policy Review Commission. It notes in particular the recommendations relating to strengthening the links and complementarity between school education and vocational training. Please indicate the measures which have been taken or are envisaged as a result of these recommendations. The Government may consider it useful to refer in this respect to the relevant provisions of the Human Resources Development Convention (No. 142) and Recommendation (No. 150), 1975.

5. The Committee notes the dominant role of the informal sector in terms of employment and income, as well as the general features of the Government's policy for the development of the sector. Please indicate the measures which have been taken to achieve the established objectives of increasing employment opportunities in the sector while at the same time encouraging its progressive integration into the national economy. In this respect, see also below.

6. The Government states that representatives of employers and workers participate in the work of the Labour Advisory Board. The Committee notes that workers in the agricultural sector are also represented on the Board, but

not workers from the informal sector. The Government states in this respect that it intends to encourage the establishment of associations which can represent persons who work in the informal sector on bodies such as the Labour Advisory Board. The Committee requests the Government to continue supplying information on the manner in which the representatives of all the persons affected are consulted concerning employment policies, in accordance with Article 3 of the Convention.

7. The Committee notes with interest the information supplied on the technical cooperation projects implemented in the context of the public works programme, the evaluation made of the results achieved through these projects and the difficulties which persist. It notes in particular that, in the Government's opinion, for them to be fully effective, the projects should be supported by employment and trade policies which encourage the use of labour-intensive methods and discourage the importation of capital goods. Please continue supplying information on ILO technical cooperation projects in the field of employment policy and the measures taken as a result of these projects.